

NAYS—18.

Brandegge	Hitchcock	McCumber	Smoot
Bristow	Jones	Martine, N. J.	Sutherland
Crawford	Kenyon	Oliver	Townsend
Cummins	Lane	Pomerene	
Gallinger	Lodge	Shively	

NOT VOTING—42.

Borah	Goff	O'Gorman	Stephenson
Bradley	Gronna	Owen	Sterling
Burton	Hollis	Penrose	Stone
Clapp	Hughes	Perkins	Thomas
Clark, Wyo.	James	Root	Walsh
Clarke, Ark.	Lewis	Saulsbury	Warren
Colt	Lippitt	Sherman	Weeks
Culberson	McLean	Shields	Williams
Dillingham	Myers	Slimmons	Works
du Pont	Newlands	Smith, Md.	
Fletcher	Norris	Smith, Mich.	

So the amendment of the committee was agreed to.

Mr. PITTMAN. I wish to offer an amendment to the bill by striking out line 25 on page 30.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to strike out line 25, on page 30, in the following words:

Chugach National Forest, Alaska. \$16,330.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the junior Senator from Nevada [Mr. PITTMAN].

[Mr. PITTMAN addressed the Senate. See Appendix.]

Mr. GALLINGER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from New Hampshire?

Mr. PITTMAN. I do.

Mr. GALLINGER. Mr. President, we have been here almost seven hours to-day in this superheated atmosphere. I will ask the Senator from Indiana, inasmuch as this matter can not be completed to-night, if he will not move to adjourn.

Mr. KERN. I will make a motion at this time, with the permission of the Senator from Nevada, that when the Senate adjourns to-day it adjourn until 11 o'clock to-morrow.

Mr. GALLINGER. Mr. President, I suggest to the Senator that he make his motion that the hour of meeting shall be 11 o'clock until further ordered, and let it be so understood. I missed an hour the other day, supposing that we were to meet at 12 o'clock, and I think it would be better to fix the hour at 11 o'clock.

Mr. KERN. It requires a resolution, I think.

Mr. GALLINGER. No; I think not.

Mr. KERN. I move, then, that until otherwise ordered by the Senate the daily hour of meeting shall be fixed at 11 o'clock. The motion was agreed to.

Mr. GALLINGER. Now will the Senator move to adjourn?

Mr. KERN. Will the Senator from Nevada yield for the purpose of enabling me to make a motion to adjourn?

Mr. PITTMAN. I will.

Mr. KERN. I move that the Senate adjourn.

The motion was agreed to, and (at 5 o'clock and 51 minutes p. m.) the Senate adjourned until to-morrow, Friday, May 22, 1914, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

THURSDAY, May 21, 1914.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who openest Thine hand and satisfiest the desire of every living thing, without whom nothing is strong, nothing enduring. "The Lord is righteous in all His ways, and holy in all his works. The Lord is high unto all them that call upon Him, to all that call upon him in truth." Open Thou our minds and hearts that we may be susceptible to the heavenly influence, that our work may be well pleasing in Thy sight and a perpetual memorial to our trust and confidence in Thee. For Thine is the kingdom and the power and the glory forever.

The Journal of the proceedings of yesterday was read and approved.

URGENT DEFICIENCY, APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 16508, the urgent deficiency appropriation bill. Pending that motion I ask unanimous consent that general debate be limited to one hour, one-half to be controlled by the gentleman from Massachusetts [Mr. GILLET] and one-half by myself.

The SPEAKER. The gentleman from New York moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the urgent deficiency appropriation bill, and pending the motion he asks unanimous consent that general debate be limited to one hour, 30 minutes to be controlled by himself and 30 minutes by the gentleman from Massachusetts [Mr. GILLET]. Is there objection?

Mr. MANN. I object.

Mr. FITZGERALD. How much time does the gentleman want? Nobody wants to talk on this side.

Mr. MANN. That is the reason. I was afraid that they would use the hour. I do not know whether anybody wants to talk or not. There is nobody here in the House, and I am going to make the point of no quorum.

Mr. MURDOCK. No one here wants any time.

Mr. FITZGERALD. How much time does the gentleman want?

Mr. MANN. We can tell better when somebody is here. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. Evidently there is no quorum present. The Doorkeeper will lock the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

Mr. GARRETT of Tennessee. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARRETT of Tennessee. Is the vote upon the motion of the gentleman from New York to go into the Committee of the Whole?

The SPEAKER. Yes.

Mr. MANN. But, Mr. Speaker, what became of the point of no quorum?

Mr. FITZGERALD. This is an automatic call on the motion to go into the Committee of the Whole.

Mr. MANN. Oh, I made the point of order before there was any roll call.

The SPEAKER. That is true. The gentleman made the point of order that there was no quorum present. There is no question about that.

Mr. MANN. The Speaker just stated the question as to going into the Committee of the Whole. I think the motion would be to have a call of the House.

The SPEAKER. The Chair was explaining to the Members that when the roll was called those who desired to go into the Committee of the Whole House on the state of the Union would vote "aye" and those opposed would vote "nay."

Mr. MANN. Yes; but, Mr. Speaker, there has been no vote taken upon that question.

The SPEAKER. That is true. It takes a call of the House. There is no automatic call on this motion.

Mr. FITZGERALD. The question had not been taken, and I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will lock the doors, and the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Alken	Cramton	Hamill	Lenroot
Alney	Crisp	Hamilton, N. Y.	Lesler
Ansherry	Dale	Hammond	Lever
Barchfeld	Davenport	Hardwick	Levy
Barkley	Dershem	Hart	Lewis, Md.
Bartholdt	Diffenderfer	Hayes	Lewis, Pa.
Bell, Ga.	Doelling	Hefflin	Lindquist
Borchers	Driscoll	Hinds	Linthicum
Brodbeck	Dunn	Hobson	Lloyd
Brown, W. Va.	Eagan	Howell	Longman
Browne, Wis.	Eagle	Hoxworth	McClellan
Browning	Edmonds	Hughes, W. Va.	McGuire, Okla.
Bruckner	Edwards	Humphrey, Wash.	McKellar
Brumbaugh	Elder	Humphreys, Miss.	Mahan
Bryan	Estopinal	Jones	Mannahan
Burke, Pa.	Faison	Keating	Martin
Butler	Farr	Kelley, Mich.	Merritt
Byrnes, S. C.	Ferris	Kennedy, Conn.	Metz
Callaway	Finley	Kettner	Miller
Campbell	Flood	Key, Ohio	Morin
Cantrill	Gard	Kinkaid, Nebr.	Moss, Ind.
Carlin	Gardner	Kirkpatrick	Moss, W. Va.
Carter	George	Konop	Mott
Cassey	Gilmore	Korby	Nelson
Chandler, N. Y.	Gittins	Kreider	Norton
Clark, Fla.	Godwin	Lafferty	O'Brien
Clayton	Goldfogle	La Follette	O'Hair
Condy	Goulden	Langham	Padgett
Connolly, Iowa	Griffin	Langley	Palmer, Mass.
Conry	Gudger	Leo, Pa.	Palmer
Copley	Guernsey	L'Engle	Parker

Patten, N. Y.	Rucker	Slemp	Thomas
Patton, Pa.	Rupley	Smith, N. Y.	Townsend
Payne	Sabath	Smith, Tex.	Underwood
Peterson	Saunders	Stanley	Wallin
Phelan	Scully	Steenerson	Walsh
Porter	Seldomridge	Stephens, Miss.	Watkins
Post	Sells	Stevens, Minn.	White
Reilly, Conn.	Shackelford	Stringer	Wilson, N. Y.
Riordan	Sherley	Sutherland	Winslow
Rogers	Shreve	Taylor, Ala.	
Rothermel	Slayden	Taylor, Colo.	

The SPEAKER. On this vote 271 Members have answered to their names, a quorum, and the Doorkeeper will open the doors.

Mr. FITZGERALD. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from New York moves to dispense with further proceedings under the call.

The question was taken, and the motion was agreed to.

Mr. FITZGERALD. Mr. Speaker, pending the motion to go into the Committee of the Whole House on the state of the Union I ask the gentleman from Massachusetts [Mr. GILLET] if we can not make some agreement as to general debate?

Mr. GILLET. I think I can get along with 50 minutes on this side.

FURTHER URGENT DEFICIENCY BILL.

Mr. FITZGERALD. Mr. Speaker, I ask that the general debate on the deficiency bill be limited to 1 hour and 40 minutes, 50 minutes to be controlled by the gentleman from Massachusetts [Mr. GILLET] and 50 minutes by myself.

Mr. GILLET. I will consent to that.

The SPEAKER. Pending the motion to go into the Committee of the Whole House on the state of the Union the gentleman from New York asks that general debate be limited to 1 hour and 40 minutes, one half of that time to be controlled by himself and the other half by the gentleman from Massachusetts [Mr. GILLET]. Is there objection? [After a pause.] The Chair hears none.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 16508, the further urgent deficiency bill, with Mr. GARNER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 16508) making appropriations to supply further urgent deficiencies in appropriations for the fiscal year 1914, and for other purposes.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. Mr. Chairman, this bill carries \$6,770,632.24. This amount is to supply money for matters of immediate necessity in connection with the several departments of the Government. Of this sum \$6,368,932.24 is for the War Department; \$29,500 is to make some additional alterations in the old Bureau of Engraving and Printing for occupancy by some of the offices of the Treasury Department by the 1st of July; \$100,000 is to supply deficiencies in the epidemic fund of the Public Health Service; \$25,000 is to equip an old naval vessel for use as a quarantine station at Providence, R. I.; \$35,000 is for the Department of Commerce—it has been customary to make certain appropriations for the Alaska service immediately available in the sundry civil bill. Part of that appropriation has been transferred to this bill so that the money will be available by the 1st of June; \$4,200 is carried to provide the special paper on which the certificates of naturalization are printed; \$52,000 is to meet the requirements of the contingent fund of the House; and \$6,000 is for the folding of speeches for Members.

Mr. MURDOCK. Will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. MURDOCK. I would like to ask the gentleman about the item for the Interstate Commerce Commission for continuing the work of the valuation of property.

Mr. FITZGERALD. And \$100,000 for the work of valuation by the Interstate Commerce Commission. The Interstate Commerce Commission, as the gentleman will recall, last year asked for a million and a half dollars and there was appropriated \$400,000 with the understanding that if additional money was required it would be furnished in the urgent deficiency bill. It was estimated that the \$400,000 would carry the commission up to the 1st of February; that was their estimate, but the committee believed it would carry them further. Now, it ap-

pears that \$100,000 is needed to carry the commission through the month of June. That is all they ask at this time.

Mr. MURDOCK. That makes a total expenditure of \$500,000?

Mr. FITZGERALD. About a half a million dollars. In addition, in their estimates for the next fiscal year they ask for \$2,000,000, and ask that \$100,000 be made immediately available, so as to take care of the month of June. The sundry civil bill will not become a law before the end of June, and so as to avoid a stoppage of the work of valuation \$100,000 is carried in this bill.

Mr. MURDOCK. Will the gentleman explain what stage this work has reached? What has the commission done? The organization is now complete, of course?

Mr. FITZGERALD. It has perfected its organization and has several field parties out, but because of the delay and difficulty in obtaining men through the Civil Service Commission it was not able to organize as rapidly as the commission had anticipated.

Mr. MURDOCK. Well, the actual work of valuation has then begun?

Mr. FITZGERALD. Hardly the actual work of valuation, but some of the field forces have been started to obtain the data upon which the valuation will be made. Mr. Chairman, unless some one wishes to inquire about some particular item in the bill, I shall reserve the balance of my time.

Mr. MANN. Will the gentleman yield?

Mr. FITZGERALD. I yield to the gentleman.

Mr. MANN. In reference to the contingent expense item of the House of \$52,000, what is the occasion for that?

Mr. FITZGERALD. The Chief Clerk of the House pointed out that certain expenditures resulting from investigations by special committees which continued practically the entire year because of the prolonged session of Congress had made very great inroads upon the contingent fund. There is about \$30,000 due for telegrams; about \$3,500 a month paid as compensation to various employees, who are charged to the contingent fund of the House; some money was expended out of the fund for the folding of speeches; and special stenographers to various committees costing between \$1,000 and \$2,000. The Committee on the Judiciary has been holding very extensive hearings. The Committee on Mines and Mining has been investigating the two strikes, one in Michigan and one in Colorado, and the Committee on the District of Columbia in its investigations has spent about \$750 a month.

Mr. MURDOCK. Will the gentleman explain what was the bill of the committee, for instance, that went to Michigan? How large a bill is that?

Mr. FITZGERALD. The bills of the two committees have not been segregated—that is, the two subcommittees—but they have spent, I think, about \$10,000.

Mr. MURDOCK. Now, in the case of the Committee on the Judiciary, this item, I take it, relates to special and select committees; but, of course, the Committee on the Judiciary is a standing committee. Does it draw out of the contingent fund?

Mr. FITZGERALD. Where hearings are being held by various committees and the committee stenographers are working, so that they can not attend to all the committees, they then call in additional stenographers, and they are paid out of the contingent fund.

Mr. MURDOCK. Now, printing does not come out of this item at all?

Mr. FITZGERALD. For instance, the Committee on the Judiciary investigated a Federal judge in the South, and in matters of that character the expense is charged against these funds.

Mr. MURDOCK. The Committee on the Judiciary, of course, has been very busy, and has had a great amount of printing done. That comes out of another item?

Mr. FITZGERALD. There is no deficiency asked for that at this time.

Mr. STAFFORD. Will the gentleman state how much was required for telegrams sent by Members of the House?

Mr. FITZGERALD. There are about \$30,000 due now, I think.

Mr. STAFFORD. Is that the average expenditure for telegrams of Members?

Mr. FITZGERALD. I think the annual expenditure is about as high as that—\$40,000 or \$50,000 a year.

Mr. STAFFORD. And this is only for a portion of it?

Mr. FITZGERALD. This is for some accumulated bills that have not been paid. Of course the fact that the Congress has been almost continuously in session, and Members sent many more telegrams on that account, increases very greatly that expense.

Mr. STAFFORD. It is almost an average of \$100 a year for each Member.

Mr. FITZGERALD. I have never averaged it that way.

Mr. STAFFORD. It seems to me it is a very large amount per Member for telegraphic service.

Mr. FITZGERALD. It would be a very large amount for myself. It is not, perhaps, a large amount for other Members. It depends largely upon the part of the country that a Member is from.

Mr. STAFFORD. I would say that for the majority of this House the average is not over \$5 or \$10 a year, and if the average, according to the expenditure, is \$100 a Member, there must be some Members who are using the telegraphic service very freely.

Mr. FITZGERALD. Mr. Chairman, I think it was two or three years ago that the Committee on Appropriations, when the deficiency resulting on this account was called to its attention, went into the matter quite exhaustively and recommended that thereafter no telegrams be paid for by the House, and that if Members wished to send messages upon public business by telegraph they should pay for them. But the overwhelming sentiment of the House, as indicated by the vote on that provision, was such that the committee has acquiesced in the sentiment as then expressed that the House desired to have this service, and has not attempted to trespass upon the time of the House by further recommendation.

Mr. STAFFORD. Will the gentleman further yield?

Mr. FITZGERALD. Yes.

Mr. STAFFORD. There is pending before the House a bill seeking to restrict the extravagant expenditure of money for printing. Does not the gentleman think there should be some limit, just as in the case of stationery allowance, to the Members for telegraphic services? There must be some Members who are using the telegraphic service to the extent of hundreds of dollars.

Mr. FITZGERALD. It was incorporated in the recommendation to which I referred a moment ago, and in view of the attitude of the House I do not think my opinion was considered very valuable on the question. I think there have been some abuses in connection with it—how much, I do not know. The Committee on Accounts is charged with the duty of checking up these accounts and of passing upon the question of whether telegraphic messages sent by Members, indorsed "official business," so as to be paid for by the House, come within that category. I am not sufficiently familiar with the character of the messages from any investigation that I have made to be able to express any opinion upon the matter.

Mr. STAFFORD. Who passes upon the auditing of these accounts?

Mr. FITZGERALD. They are audited by the Committee on Accounts.

Mr. WOODRUFF. Will the gentleman yield to me?

Mr. FITZGERALD. I will.

Mr. WOODRUFF. As a member of the Committee on Accounts, I will say that some Members of this House, men who have run up these large accounts for telegraphing, have, to my mind, charged telegrams to the Government account that should not have been charged to that account. I think they should have been paid for out of the Member's personal funds.

Mr. FITZGERALD. If the gentleman will disallow the account and compel the Member to pay for such telegrams it would stop that practice.

Mr. MURDOCK. Will the gentleman yield to me?

Mr. WOODRUFF. I will.

Mr. MURDOCK. How does the gentleman determine that?

Mr. WOODRUFF. By examination of the telegrams.

Mr. MURDOCK. Has he made those examinations?

Mr. WOODRUFF. I have. I will say this, further, that I think it is the disposition of some members of the Committee on Accounts to recommend to this House that a certain definite sum be allowed each Member—something like \$40. I think that is the average expended by all the Members of the House. Some Members spend less than \$5 during the quarter; some other Members spend more than \$200; and the average being about \$40, the Accounts Committee, I believe, is prepared to recommend to the House that no Member of this House be allowed more than \$40 a year for telegraphic expenses.

Mr. WILLIS. Does the gentleman say that some Members spend more than \$100 per quarter out of the public funds?

Mr. WOODRUFF. I think there is one Member of this House that has spent about \$400 per year.

Mr. WILLIS. In a year?

Mr. WOODRUFF. Yes.

Mr. WILLIS. That is an amazing bit of information.

Mr. HOWARD. Will the gentleman from New York permit me to ask the gentleman from Michigan [Mr. WOODRUFF] a question?

Mr. FITZGERALD. I yield to the gentleman if it is in that connection.

Mr. HOWARD. Upon the question of recommending a stipulated amount of \$40 a year, for instance, you are willing to admit that some Members of this House have occasion to spend more than \$40 upon absolutely legitimate business connected with their duties, on account of the commercial interests in their districts?

Mr. WOODRUFF. Certainly.

Mr. HOWARD. While others have strictly agricultural districts and would have no necessity to spend hardly any sum?

Mr. WOODRUFF. Certainly.

Mr. HOWARD. Do you not think it has come to a pretty pass in the American House of Representatives when a Member of Congress, elected by his constituents and sworn in here to serve as a Representative, can not be trusted to send a message by wire in connection with official business?

Mr. WOODRUFF. I do not; and I will say to the gentleman from Georgia [Mr. HOWARD] if he would take the time to examine some of the messages that have been sent at Government expense, he would agree with me.

Now, I will say further that if the Committee on Accounts make these recommendations and they are adopted by the House, it does not necessarily imply that every man will be supposed to use his \$40 allowance. This is a fact, that many telegrams are sent by Members of this House when telegrams are not necessary under the circumstances. I think the membership of the House is given to resorting to the use of the telegraph when the Postal Service would answer just as well.

Mr. HOWARD. I will just state to the gentleman that if he brings in a recommendation here limiting the amount to \$40, or any other sum, that I for one will fight against it, as it will do an injustice to some of the western Members of the House, who have necessarily to do some of their business by wire.

Mr. WOODRUFF. Mr. Chairman, I have no doubt that many Members of the House would vote against such a recommendation as that.

Mr. HOWARD. People are straining at a gnat and swallowing a camel about this little old telegram business. It does not amount to a row of pins.

Mr. WOODRUFF. The gentleman would not say that if he had examined some of the telegrams that have been sent out at Government expense and some of the bills that have been turned in to the House.

Mr. McLAUGHLIN. Mr. Chairman, what is the practice of the committee—

Mr. FITZGERALD. Mr. Chairman, how much time have I used?

The CHAIRMAN. Sixteen minutes.

Mr. McLAUGHLIN. Is it to find out whether or not the matter treated in the telegrams is public business?

Mr. FITZGERALD. I do not care, Mr. Chairman, to have that discussed further at this time, if the gentleman will permit me.

Mr. MANN. Will not the gentleman yield a little further on this telegram business?

Mr. FITZGERALD. Yes.

Mr. MANN. I hope the gentleman will yield to me for a moment, to make a little statement.

Mr. FITZGERALD. I will yield.

Mr. MANN. We can not get it out of the time we have on this side.

Mr. FITZGERALD. All right.

Mr. MANN. Of course, Mr. Chairman, it is not permissible in this body to make any reference to the Senate, and I shall not do so. But in another distinguished body than this [laughter] there was recently proposed that Members of that body should not be permitted to send telegrams at an expense other than their own in excess of \$60 a year, as I recall it. There was considerable discussion of the subject, and the matter finally came to the point of a vote, and one of the distinguished Members of that body offered a substitute resolution that no telegrams should be sent at the expense of anybody other than the persons who sent them. A roll call was had upon that, and nearly every Member of the body voted for the substitute resolution. But in parliamentary bodies, after you have amended a resolution by inserting a substitute, the question recurs on the resolution as amended; and the distinguished Members of the other body having gone on record some months ago in favor of no telegrams being sent except at their own expense, it has not been possible yet to get a vote upon the resolution as amended [laughter], although it has been strenu-

ously insisted upon. But every time the proposition has come up there has been either a lack of a quorum or other very important business that must be immediately attended to; and I would not be surprised if the same thing would occur in this body if we got up to that point. [Laughter.]

Mr. FITZGERALD. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from New York reserves the balance of his time.

Mr. GILLETT rose.

The CHAIRMAN. The gentleman from Massachusetts is recognized.

Mr. GILLETT. Mr. Chairman, some of the appropriations of this bill are made necessary by war or preparation for imminent war. For 12 months we were assured by the President and Secretary of State that the purpose of their policy was to maintain peace with Mexico, and at intervals soothing assurances of success were given out. Some of us months ago criticized that policy on the ground that though it ostensibly aimed at peace, it fundamentally and inevitably tended to war. Now we have the result. You may call it reprisal or intervention, or what you please, but when the armed forces of one nation invade the soil of another nation, attack, and drive away its army and hold its forts, ordinary people not versed in the artificial distinctions in which diplomacy revels call it war.

I regret extremely that our predictions were fulfilled. The President made intervention and war probable if not inevitable when he took the untenable position that he had a right to say to Mexico that there was one Mexican citizen, and that her most prominent one, whom she could never have as ruler, however much she might desire it, and threw all the weight of this Government on the side of his opponents. That was an infringement of the sovereign rights of a neighboring State, an unjustifiable assumption of power on our part which excited the uneasiness and suspicion of other American nations, and gave the Mexicans a righteous ground for distrust and hostility. Because of this original mistake the administration has found itself in a false position, and its only apparent Mexican policy has been to drive Huerta from power.

And so we have gone on acquiescing in the murder of Americans and the destruction of their property, encouraging bandits and revolution, furnishing arms and ammunition to rebels who devastated whole sections and maintained themselves only by extortion and robbery, and giving our moral support to leaders who ignored the laws of civilization and humanity—leaders who carry on their so-called warfare entirely in contravention of the laws of humanity and civilization, of which the newspaper dispatches this morning from Paredon give us a new and graphic illustration. And then, not succeeding in defeating Huerta by encouraging his enemies, we finally made an issue over the manner of firing a salute, and began war because dissatisfied with the form of an apology.

I have all along believed that whether or not the purpose of the administration was war that was the logical result of its policy, and I regret that it has finally come on such a trivial and technical issue. I venture to say that the records of the State and War Departments during the past nine months will show many more serious and justifiable grounds for intervention.

But the war has come and its prosecution requires the appropriations provided in this bill, and no matter how much I may disapprove the policy which brought it on or how much I may deprecate the pretext on which it was based I recognize that we are committed to it, and I am disposed henceforth to forget my disapproval, to abandon my criticism, and to aid in every way I can to make the war short, decisive, and successful. A successful war, of course, brings prestige and power and popularity to the administration and party which conducts it, but that is no reason why the minority should antagonize it and I pledge my loyal support.

Fortunately, however, for the country our predicament has excited the sympathy of the South American States, and they have suggested mediation. To me that is a most auspicious and encouraging event. It is not simply that it may relieve us of a war expensive in blood and treasure and from which we could gain nothing in glory or reputation or material reward. Beyond that, and as important, it recognizes in a most practical, effective, and pregnant way the sisterhood of the nations on this hemisphere and that peace is for the interest of all. Most wars would be prevented if time could elapse and blood cool before a fancied affront to honor should be avenged by the appeal to brute force. Now that both parties have taken time to reflect it is unthinkable that two nations should insist that slight or individual offenses are sufficient cause for the

death of brave men. I welcome most heartily this entrance of the South American Republics as envoys and advocates of peace. I am almost envious that it is they and not we who have taken this epoch-making step toward a pacific reconciliation, and I hope it is a harbinger of a general spirit of mutual interest and friendliness and responsibility throughout this hemisphere. It is a fresh and wholesome innovation, it recognizes our community of interest, and it can not fail to give a broader meaning and potency to that Pan American spirit which for years we have endeavored to nurture and stimulate, and it may go far to bring about a better understanding and a warmer sympathy with the Republics south of us. Surely we, as the most powerful member of the family, can go farthest in search of peace and accommodation without our courage being questioned.

And yet, although this mediation ought not to fail, I recognize that possibility. I agree that it is prudent to be prepared for war, and so I vote for these warlike appropriations. The administration shall have my hearty support in prosecuting the war if it continues, no matter how unnecessary and regrettable I may consider it. [Applause.]

Now, Mr. Chairman, I yield 20 minutes to the gentleman from California [Mr. KAHN].

The CHAIRMAN. The gentleman from California [Mr. KAHN] is recognized, for 20 minutes.

Mr. GILLETT. How much time did I use, Mr. Chairman?

The CHAIRMAN. The gentleman used 7 minutes. The gentleman from California is recognized for 20 minutes.

Mr. KAHN. Mr. Chairman, I fully agree with the gentleman from Massachusetts [Mr. GILLETT] in the opinion that under existing circumstances it is absolutely necessary to vote the appropriations contained in this bill for the Military Establishment. But when one peruses the large deficiency in the item of subsistence for the Army it must become more apparent that the Baltimore platform of the Democratic Party is just plain "molasses to catch flies" despite the positive pre-election assurances to the contrary that were made by the present Chief Executive of this country.

We upon the Republican side of this Chamber have heard that platitudinous document, framed largely for vote-catching purposes, repeatedly repudiated and denounced by its own progenitors. For instance, we have been told by some of the prominent Democrats on this floor that the tolls-exemption plank for American ships engaged in the coastwise trade passing through the Panama Canal was "sneaked in" rather surreptitiously, somehow, while the distinguished secretary of the committee which drafted that provision of the platform, speaking in another body at the other end of this Capitol, positively asserts that not alone did all the members of that committee approve it consciously and with their eyes open, but that no less a personage than the uncrowned but universally acknowledged "boss" of that convention, the present distinguished Secretary of State, not only gave it his unqualified approval, but that the latter even suggested that it be strengthened and made more effective by the addition of a provision favoring the positive exclusion of railroad-owned ships from the Isthmian waterway.

"Molasses to catch flies!" Mr. Chairman, the Democratic platform is covered with it, and a mighty cheap grade of molasses it is at that. [Laughter on the Republican side.] Just listen to this gem. I read from page 4 of the Democratic Textbook, 1912:

HIGH COST OF LIVING.

The high cost of living is a serious problem in every American home. The Republican Party, in its platform, attempts to escape from responsibility for present conditions by denying that they are due to a protective tariff. We take issue with them on this subject and charge that excessive prices result in a large measure from the high tariff laws enacted and maintained by the Republican Party and from trusts and commercial conspiracies fostered and encouraged by such laws, and we assert that no substantial relief can be secured for the people until import duties on the necessities of life are materially reduced and these criminal conspiracies broken up.

Talk about "talking for buncombe." Here you have it illustrated in all its pristine splendor, in all its resplendent glory. Here you have a sample of pure, unadulterated, unmistakable Democratic campaign bunk [laughter on the Republican side]—a veritable sea of "molasses"—that fooled so many voters at the last presidential election. But you will never fool them again. The American voters feel like that Indian, who, having once been deceived by a paleface, bluntly grunted:

White man fool Indian first time, shame on him. White man fool Indian second time, shame on Indian.

[Laughter.]

Mr. Chairman, the pending bill making appropriations to supply further urgent deficiencies in appropriations for the

fiscal year 1914, and for other purposes, carries an item on page 3, which reads:

Subsistence: For subsistence of the Army, including the same objects specified under this head in the Army appropriation act for the fiscal year 1914, \$1,253,538.90.

In explaining that deficiency the Quartermaster General of the United States Army appeared before the Committee on Appropriations and testified before that committee. He explained the deficiency by saying that it was due to three principal causes.

I read from the hearings, on page 10:

Gen. ALESHIRE. The deficiency in the subsistence appropriation is due to three principal causes—one is the increase in the number of enlisted men, another is the increase in the cost of the ration, and the third is the purchase of some supplies under emergency in the early part of the fiscal year to be sent to Honolulu.

The CHAIRMAN. How much of this is due to the first cause—that is, to the increased number of men?

Gen. ALESHIRE. The number of men of the line estimated for for the fiscal year 1914 was 72,673, and the estimated cost of the ration was 24.09 cents. The amount of the estimate for the fiscal year 1914 for these men was \$6,390,027.88. The average number of men to whom we furnished rations for the first six months was 71,926 enlisted men, and the average cost of the ration for the first six months was 24.63 cents.

Mr. GILLETTE. How much did you estimate?

Gen. ALESHIRE. We estimated 24.09 cents, a difference of 0.54 of a cent in the ration. The amount required for the first six months on that basis was \$3,233,055.71. That left the amount available for the second six months \$3,099,721.92. The enlisted strength during the second six months was 80,676, and the cost of the ration was 24.63 cents. The amount required for the second six months was \$3,626,366.03, showing a deficiency for the men of the line on account of the increased number of men and the increased cost of the ration of \$606,794.46.

Here, Mr. Chairman, we have the testimony of one of the ablest, most efficient officers of the United States Government, before one of the greatest committees of the House, to the effect that the Underwood tariff law, during its first six months of operation, has not reduced the cost of living a fraction of a cent in the United States. According to the party platform, of course, the cost of living was to be reduced as soon as the reduction of the tariff was to be made. But facts are more convincing than theories. The doctrinaires and the theorists who wrote the plank of the Democratic platform on the high cost of living have lived to see their theories proved to be entirely unreliable and utterly false.

Bear in mind that Uncle Sam is probably the biggest single purchaser of food products in the markets of this country. Bear in mind that he probably purchases those products for a less cost than anyone else, because he buys under contracts, and the competition to secure these contracts is exceedingly keen. And yet he, buying enormous quantities of food products that enter into the rations for his soldiers, has not been able to secure a reduction in the cost of living of his soldiers, notwithstanding the platitudes and theories contained in the Democratic platform to the effect that the protective tariff is responsible for the present high cost of living.

Gentlemen of the Democratic side of the House, why do you not acknowledge that your theories are wrong? You knew that the tariff had nothing to do with the high cost of living when you wrote that "high-cost-of-living" plank in your party platform. You knew that plank was simply "molasses to catch flies." The true principle was stated in the Republican platform. The increase of the cost of living is a matter of world-wide experience.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from Ohio?

Mr. KAHN. I yield to the gentleman.

Mr. GORDON. If the tariff does not raise prices, how does it protect anybody?

Mr. KAHN. It has absolutely nothing to do with the high cost of living, because the complaint that the cost of living is going up rapidly is just as pronounced in free-trade England as in the United States.

Mr. GORDON. Yes; but that, of course, does not answer the question. The question was, If the tariff does not raise prices, how does it protect anybody?

Mr. KAHN. That has been shown so frequently—

Mr. GORDON. Show it again.

Mr. KAHN. The gentleman undoubtedly knows it is elementary that the law of supply and demand fixes prices. The tariff has absolutely nothing to do with fixing them. The tariff can keep out the products of a cheap manufacturing country, but it does not necessarily fix the price of the imported article in this country. That fact has been demonstrated over and over again. A protective tariff simply aims to and is intended to keep out of the country the goods, wares, and merchandise manufactured by cheap labor in a foreign country that would be thrown into competition with the goods, wares, and merchandise produced by the higher-paid labor of this country.

Mr. FOWLER. Will the gentleman yield for a question only?

Mr. KAHN. For a question only.

Mr. FOWLER. Is it a fact that the cost of living has increased in America for the last 10 years at a greater ratio than in any other country in the world with the exception of Canada?

Mr. KAHN. I am not prepared to admit that that is a fact. I know it is a fact that the cost of living has increased in every country in the world, whether that country be a free-trade country or a protective-tariff country.

Mr. FORDNEY. Will the gentleman yield?

Mr. KAHN. I yield to the gentleman from Michigan.

Mr. FORDNEY. Let me say to the gentleman that the consular reports show that the necessities of life have advanced more in every other country in the world in the last 10 years than in the United States. The gentleman can not pick out a single consular report which shows the contrary.

Mr. FOWLER. The gentleman is mistaken.

Mr. KAHN. I decline to yield further.

The CHAIRMAN (Mr. FERRIS). The gentleman from California declines to yield further.

Mr. KAHN. I know the gentleman from Michigan [Mr. FORDNEY] has made a study of the subject, and I thank him for his contribution to this colloquy.

Mr. Chairman, the original estimates for subsistence for the Army in the Army appropriation act for the fiscal year 1914 were based on a ration costing 24.09 cents. During the last six months of the fiscal year 1914, with the Underwood tariff in full force and effect, the cost of the ration is 24.63 cents, an increase of fifty-four hundredths of a cent per ration. And when you remember there are 85,000 enlisted men in the line of the Army, exclusive of the Military Academy, the enlisted men of the Hospital Corps, the Quartermaster Corps, and the Philippine Scouts, you can readily see that this increase of 54 mills per ration, though trifling in the case of the single individual, in the aggregate runs up to nearly \$200,000 per annum, which the taxpayers of the United States are compelled to pay, the promise of the Democrats that their tariff law would lower the cost of living notwithstanding.

Mr. Chairman, one of the other causes for the large deficiency in the item for subsistence of the Army is due to the increase of the enlisted strength of the Army. I believe that the administration was justified in increasing the enlisted strength. It was undoubtedly a wise precaution. But I do believe that when increases of this kind are made the members of the Committee on Military Affairs, and especially the chairman of that committee, ought to be taken into the confidence of the administration and advised about the necessity for the increase, all the more so because the House of Representatives must, in the final analysis, furnish the pay, subsistence, and other allowances for the increased number of men. That has not been done in this instance. I hope that in the future, if additional men are called for, the administration will at least take into its confidence the distinguished chairman of the Committee on Military Affairs of this House [Mr. HAY]. Congress is a coordinate branch of this Government. Its responsibilities are as great as those of the Executive department. It has a right to know, and ought to know, the reasons for the increase of the Army, with all the attendant additional expense to the taxpayers of the United States. I have served on the Committee on Military Affairs of this House for nearly 10 years. During that period a number of occasions arose when it became necessary for the officials of the executive branches of this Government to convey confidential information to the membership of that committee. I do not believe that the confidence so reposed in the committee was ever betrayed. But the fact that the information had been given to the committee made it much easier to secure the necessary legislation. Politics have rarely entered into the deliberations of that committee. In the present emergency I am satisfied that every member thereof will be ready to vote every dollar and furnish every instrumentality that may be necessary to carry out the plans of the administration in dealing with the situation on our southern border.

Mr. Chairman, reference was made by the gentleman from Massachusetts [Mr. GILLETTE] to the situation in Mexico. It is an unfortunate condition that confronts us there. It is a condition that the great majority of the Members of this House undoubtedly did not desire to see brought into existence. But we are there, whether we like it or not. And yet I was greatly surprised this morning to see an article in the Saturday Evening Post of May 23, 1914, which appears on the front page of that journal, and which purports to be a statement by the President of the United States. It appears under the caption—

Mexico. The record of a conversation with President Wilson. By Samuel G. Blythe.

During that conversation the President is reported as having said this:

Did you see that dispatch we gave out, from Consul General Hanna, which detailed his experiences with the army at Torreon? It was a sort of a diary of his adventures and a record of what he saw. We gave it all out; but the latter part of it was not widely printed, for the first part of it was full of bloody details of the battle. I suppose (and he smiled whimsically again)—I suppose the editors felt there was no particular interest in the peaceful and gratifying information that was in the latter portion of the dispatch.

Well, if you read that dispatch you learned that Mr. Hanna was most agreeably surprised and greatly gratified by the treatment Villa's men gave their prisoners; how they endeavor to live up to the rules of civilized warfare; how they were constantly on the lookout for new information that would relieve them of the stigma of being barbarians. This merely shows that these people, if they get the chance, are capable of learning and are anxious to learn.

"Praise from Sir Hubert is praise indeed." Now, take a look at the picture of Villa and his followers, as printed in the Washington Post of this morning. Listen to this:

VILLA KILLS GEN. OZORNO AND STAFF—OFFICIAL REPORT BOASTS OF EXECUTIONS—REBELS MARK LEADING SPANIARDS OF MEXICO CITY FOR DEATH—THIRTY-THREE OFFICERS WHO SURRENDERED AT ZERTUCHE, NEAR PAREDON, "IMMEDIATELY" SLAIN, DECLARES MESSAGE FROM THE FRONT—MORE THAN 700 SOLDIER PRISONERS, AND 9 CANNON AND MUCH AMMUNITION CAPTURED—VILLA INCENSED AGAINST SPANIARDS BECAUSE OF ACTIVITY OF TORREON EXILES IN EL PASO.

JUAREZ, MEXICO, May 20.

Vengeance and the lust for blood are the dominating factors in the battle which "Pancho" Villa is waging against the federals at Saltillo. Apparently, too, the rebel general is willing that the world shall hear of his bloody methods.

From Villa's private secretary, Luis A. Benavides, to-day was received a dispatch stating that Gen. Ozorno, of the federal army, and his entire staff of 32 officers were captured by Villa at Zertuche, 15 miles from Saltillo, and that all were immediately put to death.

CAPTURED AT ZERTUCHE.

Their capture and execution followed a battle at Zertuche yesterday afternoon, in which the federal army, endeavoring to reach Saltillo after its defeat at Paredon, ran into Villa's army, and was defeated with severe losses.

Expecting to be treated as prisoners of war under civilized rules of warfare, the federal commander, it is said, surrendered with his staff. He and his officers were killed on the field as soon as they had been made prisoners.

REPORTS TELL OF MURDERS.

The official report says:

"It is known that Gens. Miguel Alvarez and Ignacio Munoz fell in the combat. Gen. Ozorno and a good number of federal officials were executed."

Regarding the fight at Zertuche, another official report says, in part: "There was captured also a general and 32 officials who composed his staff. All were executed immediately."

DEATH FOR SPANIARDS.

All Spaniards in Mexico City are to be expelled from the city and from Mexico as Pancho Villa takes the capital, and those who have been active in aiding Huerta are to be put to death. This was stated here to-day by friends of Villa, who say the rebel general has a list of all Spaniards in Mexico City who have been active in assisting Huerta, and each is marked for death.

BRANDS SPANIARDS AS FOES.

Villa's anger has been aroused. It is claimed, by the activities of the Spanish junta in El Paso, composed of leaders of the Torreon colony, who had been driven from the country by Villa. This junta, rebels claim, is working in conjunction with Spaniards in Mexico City and is giving financial aid and information to the federals in their fight against the rebels. This, the rebels say, causes Villa to consider the Spaniards enemies to the rebel cause, and he will show them no mercy when they fall into his hands.

The 700 or more men of the federal army who surrendered at Zertuche were sent to Torreon, and rebels say they will be released or taken into the rebel army.

I wonder if our countrymen, after having read that record of wanton butchery and savage slaughter, will be "greatly gratified by the treatment Villa's men gave their prisoners?"

Mr. Chairman, it is unnecessary to pursue the matter further at this time. The attitude of the administration in its Mexican policy is being scrutinized and discussed in every section of the United States. The tariff policy, the repeal of tolls-exemption policy, the trust-regulation policy, the currency-reform policy, and all the other policies of the administration and the Democratic Party will come in for their share of criticism or defense. You on the Democratic side will be called upon to give an account of your stewardship.

The reduction in the cost of living, which you so glibly promised, has not materialized. The good times that were to flow as the result of the enactment of your economic doctrines have failed to make themselves manifest. Everywhere there is dullness in trade. Everywhere there is idleness among the toilers and workers of this country. You have been weighed in the balance and found wanting. And the voters will show their resentment in no unmistakable language when they go to the polls on the first Tuesday after the first Monday of next November.

Mr. GILLET. Mr. Chairman, I yield 20 minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, this further urgent deficiency appropriation bill carries \$6,770,000, of which \$6,308,000 is for military purposes. These increased expenditures for military

purposes are not in the main made necessary by the present active operations about Vera Cruz, although some of them, such as the rent of transports, are made necessary by those operations. They are in the main made necessary by reason of the increase of the enlisted force which was made some time ago, and very properly, in view of the Mexican situation.

In my opinion, the Secretary of War, acting, I assume, on the advice of the President, did the proper thing in increasing the enlisted force in view of the general unsettled conditions on our southern border. This additional appropriation is made necessary very largely by reason of that increase in the enlisted force.

The gentleman from California [Mr. KAHN] has already called attention to the fact that the increase is partly made necessary by reason of the rather curious fact, in view of the promises and predictions of our Democratic friends in their platform and in their campaign, that the cost of living has advanced. The Army ration now costs us 0.54 of a cent more than it did when the Democrats attacked the Republican Party and its policies on account of the high cost of living. In other words, there has been an advance in the cost of living in the staples that constitutes the Army ration of approximately 2 per cent. We all know that the increase of the cost of living in many other lines, not staples, has been very much greater.

This general advance in the cost of living is notorious, known to all of us; but here is a striking illustration of it in the purchases of the Government in a very large way. These appropriations are, as I have said, necessary on account of the conditions in Mexico. We all hope that those conditions will grow better. We trust that the mediators now in session at Niagara Falls will be able to bring about a settlement that will bring peace. We pray that they may, even in the midst of our fears that they will not.

The gentleman from Texas [Mr. DIES] some days ago addressed the House relative to the administration's policy toward Mexico. Unfortunately I did not have the pleasure of listening to that entertaining speech. I know nothing of it except from extracts I read in the papers, and I can not secure any better or more complete information by reason of the fact that the gentleman from Texas has not as yet inserted his speech in the RECORD.

In that speech it was reported that he said "We are following the President; we do not know just where he is leading us to or what he proposes to do, but we are following him." I think he expressed some doubt about the wisdom of some things that had been done. But it was far from the gentleman from Texas to assert his opinion with regard to those matters as against the opinion and acts of the Chief Executive. He was simply following; but he has not followed far enough to enlighten us through the RECORD as to just how far he proposes to follow the administration's policy.

Mr. BELL of California. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. BELL of California. Will the gentleman inform the House as to what he thinks of this policy, whether it is pursuing war by peaceful methods or whether it is pursuing a peaceful situation by warlike methods? [Laughter.]

Mr. MONDELL. Both, I think. A long time ago, some months ago, I expressed my disapproval of the administration's Mexican policy. I did not do it as a jingo but as a lover of peace. I then said that, in my opinion, the attitude which the administration had taken of declining to recognize the government which had been established in Mexico and of allying itself with the so-called constitutionalists, the attitude of indirect intervention, was one that must inevitably lead to war. It has steadily led in that direction, and we stand to-day hanging on the verge of what may be a bloody and a costly war, though we hope not.

I want to make a few observations with regard to some things the struggles down there have developed. The Department of State or the Department of War, one or both, are, I understand, compiling a biography of a gentleman notorious in those bloody encounters by the name of Villa. The Senator from New York some days ago made a most valuable contribution to that biography. I want to add to that delightful character sketch just one little item, taken from a letter received by a Member of this House from the State of Pennsylvania, Mr. EDMONDS, from a friend and a former partner of his in Chihuahua. In the letter, referring to occurrences down in that country, he reminded Mr. EDMONDS of their former mutual acquaintance with this gentlemanly murderer, rapist, and bandit. He said, among other things:

You will remember, too, that Villa is the same honorable party who murdered our foreman, Villalobos, at Cata Tica mine in 1909.

I am informed that this constitutionalist patriot, friend of the administration, whom our official representatives are reported as fondly embracing—this gentleman on the occasion in question took the life of a fellow Mexican by sneaking up on him through the chaparral as he rode by on his way to his home with his month's wages. He shot him, killed and robbed him, and threw his body in a neighboring arroyo. Of course this is but a relatively unimportant incident in the life of this patriotic constitutionalist, whom the administration is depending on to establish orderly, constitutional government in Mexico. It is just one small incident in his life of crime and pillage, murder and rape. This morning the papers bring us the news we had expected, that this savage bandit had returned to his former and favorite practice of shooting his enemies, disarmed enemies—Honorable, brave, generous patriot that he is! Oh what a figure he is to select as the instrument of constitutional government under law! One of our best and ablest consuls, it is reported in a recent paper, thinks of resigning, the reason given being that he, at least, is still enough of an American that he can not stomach the performances of some of our representatives down there in their fond embraces and their constant aid and encouragement of Villa and his kind.

The gentleman from Texas [Mr. DIES] wants to follow the administration. I wonder if he, gallant and brave gentleman that I know him to be, desires to be understood as following the administration in what occurred at Tampico. Tampico was attacked by the rebels, and several hundred Americans were gathered in a hotel and felt reasonably safe because in the neighboring river, but a short distance away, lay three American gunboats, with their guns shotted, their decks lined with sand bags, and the machines with quick-firing guns alert behind them. Our forces had just taken Vera Cruz, and the news had been flashed to Tampico that the invader had landed; that he was shooting Mexicans. Meanwhile the rebel forces were thundering at the gates, and so the cry went round, "They have invaded our land at Vera Cruz and shot down our people; they have furnished the guns with which the rebels are pounding at our doors," and out of this grew an anti-American demonstration. The mobs gathered around the hotel where these Americans—men, women, and little children—were gathered, depending upon marines and gunboats for protection. And then what happened? While the mobs howled and battered at the doors, while every horrid and vile threat that those savage and angry Mexicans could conjure up were being shouted at these imprisoned refugees and strong men stormed in their impotent wrath and women—American women—and children cowed in terror, those American gunboats, on command of the Secretary of the Navy, three times repeated over the protest of the American admiral, weighed anchor and steamed out to sea, leaving 2,000 Americans—men, women, and children—defenseless in the face of that howling mob, inflamed to madness because we were attacking their countrymen at Vera Cruz and had allowed the shipment of arms to the rebels who were attacking them and threatening their lives and property. Fortunately, there was a German gunboat and German commander at hand, and when our own brave men had been ordered away the German commander ordered the mob dispersed, which was done. This German commander then sent his men to escort the American men, women, and children to his boat. Fortunately, there was an English ship and an English officer at hand to assist in the rescue of our people. And so when these Americans had been deserted by their people they were defended and protected by the flags of Germany and of Great Britain. When our citizens 2,000 of them, were rescued by German and English officers and sailors and taken out to sea in German and English boats they found 17 American dreadnaughts lying at anchor—2,000 Americans, stalwart men, fair women, little children, in danger of death, torture, and dishonor—17 of the finest ships afloat, 10 miles away, 3 gunboats, manned and shotted, weighing anchor and sailing out to sea, leaving them to their fate. Does the gentleman from Texas follow the administration in that incident?

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. FESS. What is the significance of the incident when 500 of the refugees reached New Orleans and passing an English vessel flying the British flag frantically cheered the English flag?

Mr. MONDELL. They did. They properly acknowledged their debt of gratitude to those who had rescued them. When we hear the bands play the Star-Spangled Banner we uncover, and if we are true and loyal Americans our pulse is quickened and our emotions are profoundly stirred; but how, think you, will the playing of this national anthem in the future affect the 2,000 Americans who, at Tampico, in the face of a howling mob,

saw the anchors weighed and the flag sail away? Gentlemen may smile. Gentlemen may think it does not amount to anything, but I want to suggest that if our people are to continue to be patriotic, if we are going to resent insults to the flag, if we are going to spend our money and our boys are going to give their lives in the defense of the flag, it is going to be because the flag stands always, as it has in the past, for justice, righteousness, and the protection of American citizens. [Applause.]

Can we hope for continued devotion to the flag from people whom the flag has deserted? Can we expect a continuation of honest pride in American citizenship from those to whom the flag has failed to furnish protection? Shall we readily efface from the memory of these Tampico refugees, these men, women, and children abandoned to the mob, the recollection of that incident, the mortal terror of the situation, the amazement at their abandonment, the crushing blow to their national pride?

It may be that the arrest and detention for a short period of an officer and a few marines who, while the defenders of Tampico were battling against the onslaughts of their enemies, landed at a wharf where landing was prohibited, constitutes an insult to the flag warranting acts of war costing the lives of a score of brave young Americans and of hundreds of Mexicans, but I have my doubts about it. If that arrest and detention under those circumstances, duly apologized for, cast discredit on the flag and the uniform, what shall we say of orders that called brave men from their posts of defense, that withdrew our flag and our guns from the protection of our citizens and their families in the hour of their mortal peril?

Above all things I am thankful, and from the information I have I am satisfied, that no man wearing the American uniform was responsible for that desertion. Three different times, so I am told, the officer in command protested the orders sent him, and only obeyed when those orders were made final and imperative from Washington. How he must have felt, how the brave men under him must have felt, as they sailed away can be readily imagined. This Tampico incident is so astounding, so utterly contrary to all American traditions, that some of our people have found it difficult to credit it, much less to understand it. But when one views it in the light of the policy which the administration has steadily pursued toward the Mexican situation, it is simple enough.

The one end and aim and only purpose of the administration's policy has evidently been the downfall and elimination of Huerta. The taking of Vera Cruz had so inflamed the Mexican mind, military and civilian, constitutionalist and federal, that there was a strong probability that the contending forces at Tampico might join against the common enemy; that the rebels might cease their assault upon Tampico and thereby disarrange the administration's policy of playing one force against the other as a means to the elimination of Huerta. Forgotten or ignored was the duty of protecting the lives and the honor of our people in the consuming desire to carry out the administration plan. And so the flags were dipped, the anchors weighed, and while the mobs howled, hurled their insults, and battered at the doors, our people were abandoned to their fate. If there is any other explanation than this of the Tampico incident, let some one give it. If this was not a cold-blooded abandonment in carrying out the policy of the administration to bring about the downfall of the Federal Government in Mexico without regard to loss of life or property, I should like to know what excuse there was for it.

I shall insert in the RECORD as part of my remarks a statement handed me by John I. Newell, a stalwart, honest American citizen, who was at Tampico at the time the incidents I have referred to occurred. The statement is as follows:

STATEMENT OF JOHN I. NEWELL, OF TAMPICO, MEXICO, CONCERNING THE PROTECTION ACCORDED TO AMERICANS AT TAMPICO.

In the fore part of the year 1912 President Taft, personally or through his representatives, gave instructions to the Consular Service throughout Mexico, advising all Americans who could leave Mexico to do so, turning over their properties to the American consul in each district. This notice was addressed to those who considered themselves to be in danger. At Tampico at this time no danger existed in the minds of Americans and no one left. As a result of this notice placards were posted throughout the Mexican Republic by Mexicans in Spanish, which read, in effect, "See the cowardly Americans run."

During the summer of 1912 rifles, such as were formerly used in the United States Army, were sent in large numbers to consuls throughout Mexico with the consent of the Mexican Government, to be sold to American residents in Mexico for 18 pesos apiece, including 240 rounds of ammunition. These were issued to those who considered that they needed the protection of these guns. There was still no trouble at Tampico, but many availed themselves of the opportunity to secure arms.

In October or November, 1913, the Americans were called into conference, at which the United States Government seemed to be represented and arrangements were made for the protection of American lives in Tampico in case they might be endangered by rebel attacks, which were at that time anticipated. Buildings were chosen which

would be used for the concentration of the defenders; arms were arranged for, and a number of American men were asked to volunteer to perform certain services, and they responded unanimously.

On the 10th or 11th of December, 1913, the city of Tampico was attacked by rebel forces in strong numbers. These forces captured the suburban towns of Donna Cecelia and Arbol Grande, which are situated within 2 miles of Tampico and are regarded as a part of the city. Admiral Fletcher, then in command of the United States fleet which was at Tampico undertook to form a neutral zone, and published throughout the consulate the boundaries of such zone, which included several city blocks, and to which Americans were requested to retire. The federal commander of the Mexican forces refused to honor Admiral Fletcher's demand for such a zone, and the demand was withdrawn or at least not enforced. On the evening of December 12 Admiral Fletcher wrote a letter to the consul, stating that there seemed to be a mistake on the part of Americans; that they seemed to think that they might defend themselves, but the letter went on to state that their only protection was on the United States gunboats, which lay in the Panuco River within a few hundred feet of the customhouse at Tampico, with guns covering the town, and all those who desired protection were invited to go on the gunboats. Many hundred American women and children availed themselves of the privilege and were taken into the Gulf and transferred to the large battleships there. Admiral Fletcher sent a flag lieutenant ashore to emphasize the letter, and this gentleman stated in effect that Americans had no right to protect themselves, even though their homes were entered by the mob of either of the contending forces. I heard this statement myself in the lobby of the Southern Hotel.

Tampico was again attacked by the rebels during the fore part of April, and the attack continued for seven days. When matters seemed crucial again Admiral Mayo, then in charge, invited Americans aboard the gunboats, and they were transferred to the battleships in the Gulf. At this time three gunboats, namely, the *Dolphin*, the *Chester*, and the *Des Moines*, were in the river within a few hundred feet of Tampico. Under this invitation over a thousand passes were issued by the consulate to Americans, who took refuge on these boats. During this attack occurred the famous flag incident.

The tension was great in Tampico, the federals being very bitter toward all Americans, believing them to be rebel sympathizers, and stating openly that the rebel forces were armed with arms secured in the United States. Many Americans were arrested daily for no reason and were suspected of being rebel spies. The consul was kept busy securing their release from prison. In two or three days the people taken on the battleships were landed again, it being thought the trouble was over. A day or two later a notice was sent to the consulate, about 3 o'clock in the afternoon, telling all Americans to repair to the gunboats by 4 o'clock. It was no more than posted before it was ordered torn down by the naval authorities. No one in Tampico understood why this notice was posted or why it was withdrawn, although it was stated that the gunboats were about to leave the river. On Monday, April 20, in the evening, Admiral Mayo received instructions to withdraw all gunboats from the river and proceed with them to Vera Cruz, leaving the *Des Moines*, however, in the Gulf outside Tampico. The three gunboats in the river had been stripped for action, with guns shotted and boxes of sand placed around them for protection. The marines were ready for instant landing, and this condition had prevailed for about one week, causing an increased hatred on the part of Mexicans, who believed that this was done as a threat to them, and who also believed that the Americans in Tampico were thoroughly protected as long as the gunboats remained. Admiral Mayo protested against the removal of the gunboats at least three times, and I have every reason to believe he stated that his withdrawing the boats would subject hundreds and thousands of Americans to extreme danger. I know that the American consul sent a long message of protest and also stating the extreme danger that would arise to all Americans there. These messages did not avail, and at 9.30 o'clock, the morning of April 31, the last of the gunboats left the river. The Americans immediately felt themselves to be in extreme danger, and hurried notices were sent throughout the oil fields and farming districts ordering all the oil operators and farmers to drop everything and come into Tampico. At 4 o'clock in the afternoon the Americans for the first time became aware of the taking of Vera Cruz. They learned this through posters put out by the Mexican authorities saying that the American invader had come and had landed at Vera Cruz, and calling on all patriotic Mexicans to rally for the defense of the city. Arms and ammunition were given freely to all volunteers.

The American consul had not been notified of the taking of Vera Cruz and was not in communication with our battleships which were now located 9 miles away in the Gulf. At 4.30 mobs began to form, incited by speeches made by leading Mexican lawyers and doctors. They were incited to kill all Americans and to tear down the American flags. These mobs kept increasing in size, and three different attacks were made on some buildings occupied by Americans. A hundred and fifty American men, women, and children were guarded at the Southern Hotel. Determined efforts were made to batter down the doors of the hotel. It was shot into. Windows were broken, and no relief was given until the German commander of the German gunboat *Dresden* sent word to Gen. Zarazosa, of the federal forces, ordering him to disperse the mob, and if it was not done he would land German marines himself. This German commander then sent two of his officers to the Southern Hotel and to other places to take the American women and children to his boats. This was about 2 o'clock in the morning of April 22. This was done voluntarily on the part of the German commander without any communication whatever from the American fleet. Earlier in the evening the consulate tried to get into communication with Admiral Mayo by wireless from the English boat, but the English commander refused the request, stating that Mexico and the United States were at war and England was neutral. Afterwards Mayo and the English commander did communicate at a time when Mayo expected to land marines to protect the Americans in town, but the English commander protested, saying that it would endanger the English who were ashore, and that he would join with the German commander in protecting Americans. During April 22 and 23 over 2,500 Americans were taken out of Tampico by boats flying the German and English flags and in charge of German and English officers. It was the only way that they could get to safety. The English officer on one of the boats stated to the Americans in a speech that it was not his duty to do this, but that he did so inasmuch as our own country had deserted us and humanity demanded that he should take care of us. Flags were torn down and spit upon, women were insulted with every conceivable term of insult, and so were the men during the movement to the boats.

The feeling of every American coming from Tampico is that he was deserted by his country. He knows that he was in no danger as long as the quarrel was between the Mexicans, but after the United States took note of the flag incident and landed at Vera Cruz the hatred of the federals against all Americans became intense, and the protection was removed from us at a time when it was at its height without any notice to us and without any invitation to seek the protection which had been extended to us before.

I made this statement gladly and freely, believing it is proper for parties to whom it is given to know these facts.

JOHN I. NEWELL.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. I do.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] is recognized.

Mr. FITZGERALD. Mr. Speaker, I ask for the reading of the bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TREASURY DEPARTMENT.

PUBLIC BUILDINGS.

Washington, D. C., old building, Bureau of Engraving and Printing: For new floors, suspended ceilings, repairs, painting, reinforcing floors, vault equipment, partitions, plumbing, conduit and wiring, and other necessary repairs, to adapt the old building of the Bureau of Engraving and Printing for the accommodation of various Treasury offices, to continue available during the fiscal year 1915, \$29,500.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I will ask the gentleman from New York what is the intention in reference to the old Bureau of Engraving and Printing and what offices are to go in there in addition to those already provided for?

Mr. FITZGERALD. All of the offices of the Treasury Department now occupying rented buildings will in the future occupy the old Bureau of Engraving and Printing.

Mr. MANN. And no other offices?

Mr. FITZGERALD. I think not.

Mr. MANN. I thought in addition to those that the Federal Reserve Board was to have a portion?

Mr. FITZGERALD. The Federal Reserve Board is to be accommodated in the Treasury Building, and they are moving certain offices out of the Treasury Building into the old Bureau of Engraving and Printing.

Mr. MANN. Then there are others than those now in rented buildings?

Mr. FITZGERALD. Yes; the Stamp Division and the Internal Revenue Bureau. I think are being moved out.

Mr. MANN. Is it likely that this building is going to be now permanently occupied? I had some hopes that at some time the Government might tear that down. It is an eyesore there.

Mr. FITZGERALD. Oh, so did all of the other iconoclasts under the Commission of Fine Arts, but those who believe that a building which cost in the neighborhood of a million dollars should be utilized have not such reckless disregard of these things.

Mr. MANN. We have the Washington Monument on the one side, the Potomac Park on the other, and in between we have this old building and some nursery grounds and greenhouses, strawberry beds, for the use of the Executive Department.

Mr. FITZGERALD. The gentleman has overlooked the Department of Agriculture.

Mr. MANN. Oh, no; that is not between the Washington Monument Grounds and the Potomac Park.

Mr. FITZGERALD. That is a very attractive building to anybody who has an artistic, esthetic taste. Of course the gentleman, who was brought up in Chicago—

Mr. MANN. Of course I was brought up in the wild and woolly West and have no esthetic taste.

Mr. FITZGERALD. And those who have no notion of art wish to destroy public property quite unnecessarily.

Mr. MANN. Why, the whole thing is an eyesore—these greenhouses, these strawberry beds, and so forth.

Mr. FITZGERALD. Oh, the gentleman should not potter around such places and his eyes would not get sore. [Laughter.]

Mr. MANN. Well, this gentleman is fortunate enough occasionally to have some one who possesses a machine to take him out in that locality, and then once in a while he walks himself and pries around these nursery grounds.

Mr. FITZGERALD. The old bureau building is not offensive from any standpoint. There may be some of the surroundings that perhaps should be cleaned up, but that is a delightful and satisfactory building.

Mr. MANN. I supposed when we built the new building it was because we wanted to get rid of the old building.

Mr. FITZGERALD. No; it was to accommodate the employees, who were crowded there so greatly as to make it undesirable.

Mr. MANN. Then we could have built the new building one-half the size, and continued to use that building which we already have.

Mr. FITZGERALD. We could never do anything like that with the Government.

Mr. MANN. Well—

The CHAIRMAN. The gentleman withdraws his pro forma amendment, and the Clerk will read.

The Clerk read as follows:

PUBLIC HEALTH SERVICE.

Prevention of epidemics: To enable the President, in case only of threatened or actual epidemic of cholera, typhus fever, yellow fever, smallpox, bubonic plague, Chinese plague or black death, or trachoma, to aid State and local boards, or otherwise, in his discretion, in preventing and suppressing the spread of the same, and in such emergency in the execution of any quarantine laws which may be then in force, to continue available during the fiscal year 1915, \$100,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Is this Public Health Service item, to prevent epidemics, in the language of the existing law?

Mr. FITZGERALD. It is the language of the existing provision.

Mr. MANN. I meant the language of the existing appropriation.

Mr. FITZGERALD. Yes.

Mr. MOORE. Mr. Chairman, I move to strike out the last two words. Would any part of this appropriation be available for investigation of the mosquito as related to epidemics?

Mr. FITZGERALD. I think not; it is to be utilized to provide the necessary field force required in the case of epidemics.

Mr. MOORE. It is possible an epidemic might start through the mosquito carrying fever from one person to another, as we are told it did in Panama. On several occasions, when this question has arisen during the consideration of the Agricultural bill, we have been told the proper place for an inquiry as to the effect of the mosquito bite would be the Health Service.

Mr. FITZGERALD. The Public Health Service has an appropriation of \$250,000 for investigating the diseases of man.

Mr. MOORE. But the gentleman can not say whether any portion of this \$100,000 will be devoted to an inquiry of the kind I have suggested.

Mr. FITZGERALD. It would not. This money is required to supply additional services, due to the fact that at some places in Mexico from which refugees are coming there have been indications of yellow fever, and a few cases of plague have been found in Havana during the past six months, and it is to provide additional precautions in the quarantine service as a result of these conditions.

Mr. MOORE. The chairman of the Committee on Agriculture told us when his bill was before the House that some money was being spent in a few sections of the United States—some in South Carolina, I think, in one county—in an undertaking to suppress the mosquito, and I think some money may have been spent for that same purpose under the Department of Agriculture in Louisiana. I am not sure as to that, but the chairman indicated, if the question arose again, he would undertake to see that no appropriation was made through the Department of Agriculture for that purpose; that the mosquito problem was purely a human problem, and the question was one to be considered by the Bureau of Health.

Mr. FITZGERALD. I think the Government of the United States is not going into the business of trying to exterminate the mosquitoes of the country. It has done enough things it should not do.

Mr. MOORE. The United States expends a good deal of money undertaking to prevent epidemics among cattle; it expends money for the boll weevil, the cattle tick, the Mediterranean fly, the hog cholera, and things of that kind which affect the health of animals; but there is no provision, so far as I can find, for protecting the life of individuals—human beings—as against this greatest of human pests, the mosquito. Surely the mosquito is as much an evil as the boll weevil or the tick or any one of these strange moths that seem to affect agriculture in some way or other—

Mr. FITZGERALD. Some day or other we will have a Federal investigator for every flea and mosquito in the United States.

Mr. MURDOCK. And do not forget the house fly.

Mr. FITZGERALD. And the house fly.

Mr. MOORE. Well, in the State of New Jersey they have spent money in the—

Mr. FITZGERALD. Yes; they spent it.

Mr. MOORE (continuing). They spent it and are spending it investigating and trying to suppress the mosquito. The mosquito is not indigenous to New Jersey, Delaware, or any other State. It is bound to get over the State border, hence it is properly a subject of governmental inquiry. We may raise that question some day, whether the gentleman considers it proper for his committee or not, but I want to find out whether the Health Bureau, in the opinion of the gentleman, is the proper place to locate this matter?

Mr. FITZGERALD. Well, it can not use this money to kill mosquitoes.

Mr. MANN. Mr. Chairman, the statements are so often made that Congress appropriates money in order to prevent diseases among animals and will not and does not appropriate money to prevent diseases in human beings that the matter is worthy of some consideration. I understood my friend from Pennsylvania [Mr. MOORE] to say that mosquitoes were not indigenous to New Jersey, but certainly when he made that statement he made it with humor. I think mosquitoes are indigenous to all parts of the United States.

Mr. MOORE. I am willing to withdraw the word "indigenous" and make it "special" to New Jersey.

Mr. MANN. Now, we do appropriate money in reference to insects or diseases of animals which are not imported. I do not recall now any special disease of animals which is indigenous to the territory where we appropriate money even for combating them.

We appropriate money for the gypsy moth. Why? To keep it from spreading. We appropriate money in reference to the boll weevil. Why? To keep it from spreading. It is not indigenous to our soil. We would appropriate money in reference to insects or pests which would bring disease upon man, where we can keep those diseases from spreading, as we do in reference to small pox, yellow fever, and various other diseases. And I do not recall now where we do appropriate money in any direction for the purpose directly of combating the disease which is indigenous to the soil or which comes from insect pests which are indigenous to the soil in this country. And it makes quite a distinction. We may appropriate money to help fight a disease, and it is possible we may some time appropriate money to endeavor to kill off all the flies—house, stable, horse, and otherwise—and all the mosquitoes near Philadelphia. I think there is very good reason for that when we go to Atlantic City. But there is this distinction, and we do not, in my judgment, give a preference, as is so frequently stated, to the farm animal over the farmer himself.

Mr. MOORE. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. MOORE. We did appropriate money in one form or another for the suppression of the mosquito on the Panama Canal Zone, as the gentleman is well aware, and we made a world's record in the suppression of the mosquito at that point.

Mr. MANN. Well, the last time I was down on the Panama Canal, which was not so very long ago, in company with some other gentlemen from this House, in the car of the chief engineer of the canal, over at the Gatun Dam, I met more mosquitoes in five minutes than I ever saw anywhere else in the world in the same length of time.

Mr. MOORE. I am afraid the gentleman is taking some of the laurels from Col. Gorgas.

Mr. MANN. Oh, no. I am stating some facts which are not popular to state by gentlemen who are connected with the Panama Canal work.

Mr. MOORE. Does the gentleman think it unfair that some day this question of educating the public to the manner in which the mosquito can be suppressed should be taken up by the Government? The mosquito is not confined to any one State.

Mr. MANN. I think we are educating the public on the subject now. It takes a large amount of money. The question is whether the General Government itself will undertake the prevention of mosquitoes.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. MANN] has expired. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Signal Service: For the repair and replacement of equipment and material lost and damaged by fire in the Signal Corps laboratory, Washington, D. C., March 18, 1914, \$7,500.

Mr. MANN. Mr. Chairman, is that a new paragraph?

Mr. FITZGERALD. A new paragraph.

Mr. MANN. Mr. Chairman, I would like to make a little inquiry about this signal service item, or not so much about the item as about the signal service. We passed in the House the other day a bill providing for an aviation corps in the Army. The gentleman knows there have been a number of propositions made at different times in reference to organizing a commission and having an aeronautical laboratory connected with, possibly, the Smithsonian or other institution under the Government. The other propositions have not eventuated in any legislation, and we have a number of bills for purchase of fields for flying, and so forth—aviation. Is the gentleman prepared to make any suggestion in reference to the possibility of giving to this new aviation corps, if this bill passes the Senate, some money with which they can make experiments in flying, or whether it would be preferable, if that should be done, to have it done under a commission not exclusively controlled by the Army?

Mr. FITZGERALD. The Smithsonian Institution, of which the gentleman from Illinois is a distinguished regent—

Mr. MANN. Was; not is.

Mr. FITZGERALD. Was.

Mr. MANN. And I am not so distinguished.

Mr. FITZGERALD. That institution has submitted an estimate of \$50,000 for the establishment of an aeronautical laboratory. The suggestion of the Secretary of the Smithsonian Institution is that in this laboratory there shall be done research work in connection with aviation for both the Army and Navy, and that the work done in the laboratory be strictly of a research character, while any practical development be conducted by the Navy or the Army in their respective services. The suggestion is that the laboratory should be established in that part of the Potomac Park east of the railroad embankment. The plan for the utilization of Potomac Park now provides that it should be a great public playground. The matter is before the Committee on Appropriations, but no conclusion has been reached as to the desirability of action of any character. Whatever may be the desirability of establishing an aeronautical laboratory, personally I believe it should not be put in Potomac Park. That will eventually be the most accessible and desirable park and recreation grounds in the District. I believe it will not enhance its utility for such purpose by developing there an establishment in which experimental work must necessarily be conducted.

My recollection is that the War Department had an establishment at College Park, Md.; but since the troops have been on the border I understand they have had two fields, one at San Antonio and one at San Diego, where they have been experimenting. My own impression is that if the bill which passed through the House the other day upon the motion of the gentleman from Virginia [Mr. HAY] is enacted into law, it will probably be necessary eventually to provide some facilities for original research work in connection with the development of the apparatus to be utilized by that corps. I am not prepared to say whether it is desirable to place that in the War Department or in the Navy Department or into some joint control or under the control of an institution such as the Smithsonian.

Mr. MANN. Mr. Chairman, I am very glad to hear the gentleman honestly say what he does about any utilization of any part of the Potomac Park as an aeronautical field. I am opposed myself to putting any kind of a building or anything else in a park that is not connected with park work, whether it be for this aeronautical work or anything else. And while the Committee on Appropriations has under advisement, and I have the opportunity of expressing an opinion to members of the committee and also to the chairman of the Committee on Military Affairs, at the same time I would like to make this little statement.

I have been interested in the aviation business from the start. In my judgment, the time will come, and very speedily, when flying machines will have control of war, and if they have battles in the future, in the main they will be in the air. I do not know whether anyone will want to go into battle or not. Now, if we create this aviation corps in the Army, which I am satisfied will be done, it seems to me that that corps, which started out with 60 officers, ought to be the corps that has control of the research and experimental work, so that they will have men who are in the field, who learn by actual experience, and who can bring that experience to bear on the research investigation work. If we did not have this corps in the Army, I would be in favor of letting the Smithsonian or some one else take charge of it; but it is perfectly manifest, as it seems to me, that the use of flying machines in war will in the main be by the Army rather than the Navy. The Navy could make some use of them, but in the main it will be by the Army, and the Army and the Navy both have been very successful in in-

vestigation and research work in connection with the arms which they use in time of war.

I have no doubt that this service can do that same thing. I think that as soon as it is organized we ought to give them some appropriations which they can use in experimental work, and not confine them, as I think under the existing appropriation probably they are practically confined, to the purchase of flying machines.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 4, after line 19, insert the following:

"Medical and Hospital Department: For the purchase of medical and hospital supplies, including the same objects specified under this head in the Army appropriation act for the fiscal year 1914, \$50,000."

Mr. FITZGERALD. Mr. Chairman, this estimate came in after the committee had reported the bill, and the necessity for it is the same as for the other provisions for the Army.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DEPARTMENT OF COMMERCE.

BUREAU OF FISHERIES.

Alaska Service: For protecting the seal fisheries of Alaska, including the furnishing of food, fuel, clothing, and other necessities of life to the natives of the Pribilof Islands of Alaska, transportation of supplies to and from the islands, expenses of travel of agents and other employees and subsistence while on said islands, purchase, hire, maintenance of, and crews for vessels, and including not exceeding \$2,500 for installation of water supply on St. Paul Island, and for all expenses necessary to carry out the provisions of the act approved April 21, 1910, entitled "An act to protect the seal fisheries of Alaska, and for other purposes," and for the protection of the fisheries of Alaska, including travel, hire of boats, employment of temporary labor, and all other necessary expenses, to continue available during the fiscal year 1915, \$35,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers the following amendment, which the Clerk will report.

The Clerk read as follows:

On page 5, line 12, strike out the sum "\$35,000" and insert the sum "\$50,000."

Mr. MANN. Mr. Chairman, I would like to make an inquiry about this item. I think it was a year ago when we tried on this side of the House to insert in the regular appropriation bill an item for taking care of these people, including employees, up on the Pribilof Islands. My recollection is that the gentleman from New York [Mr. FITZGERALD] was very strenuous in his opposition to it.

Mr. FITZGERALD. The gentleman is mistaken. The item was reported.

Mr. MANN. And the result was that the men who were employed by the Government up there for years were discharged. It was stated at the time on the floor that that was one of the purposes—to discharge men who were up there and knew the business and then after a while to come in here with a deficiency appropriation for the purpose of hiring some men who did not know anything about it.

Mr. FITZGERALD. The gentleman is mistaken. They had four agents supposed to be working on this Alaskan business, and they had a very delightful arrangement by which two of them spent half their time in Washington and then would go up to Alaska, and the other two would come back from Alaska and spend half of their time here. The appropriation for this particular work is carried in the sundry civil appropriation bill. The supplies are sent up in the first week of June, and it has been customary to make enough of the appropriation available before the end of the fiscal year to enable the supplies to be purchased and the vessels to be chartered. It is very apparent that the sundry civil bill will not become a law before the 1st of June, and this sum is transferred out of the amount that would be carried in the sundry civil bill and placed herein.

Through a misunderstanding, the committee was under the impression that \$35,000 was the amount required to charter the boat and furnish the supplies, but the chartering of the boat amounts to \$9,000 and the supplies in the neighborhood of \$40,000 or \$41,000. The boat is held under option, and the supplies have been ordered, subject to the appropriation being made. But this is not the item which the gentleman from Illinois has in mind.

Mr. MANN. Is this to take the place of an item that otherwise would be in the sundry civil bill, or will the sundry civil bill carry an item also?

Mr. FITZGERALD. It is the part that is needed before the 1st of June.

Mr. MANN. How many Eskimos are there on these islands now?

Mr. FITZGERALD. I do not recall. But I think there are several hundred on the Pribilof Islands.

Mr. MANN. What is the total cost of feeding them? Is it \$100,000 a year?

Mr. FITZGERALD. It is \$100,000 for the schools and other things.

Mr. MANN. They are at liberty to fish. They get all the fish they want, and they are at liberty to catch seals and take all the seals they want, and until we went up there that is all they lived on—fish and seals.

Mr. FITZGERALD. Civilization has gone in there, and they can not live on those things now.

Mr. MANN. I think a man would be very foolish to take the trouble to earn a living if he was furnished freely with all the things that he needed.

Mr. FITZGERALD. They will not eat seal blubber if we furnish them with good food.

Mr. MANN. Why should a man incur the perils of the sea and go out in boats if the Government will furnish him, instead of fish, with roast beef, ham, coffee, tea, sugar, salt, and fruits of all kinds, canned and dried?

Mr. FOSTER. Does not the gentleman think civilization ought to give them a little more than blubber to live on?

Mr. MANN. I am blubbering because we give them too much. [Laughter.]

Mr. HARRISON. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Mississippi?

Mr. FITZGERALD. Yes.

Mr. HARRISON. Has the gentleman any facts there about how many seals there are now on the Pribilof Islands? Some two years ago, I think it was, we stopped the killing of seals. As a matter of information I would like to know whether or not there has been much of an increase in the seal herds?

Mr. FITZGERALD. I do not know. I did not inquire.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield to me for a question?

Mr. FITZGERALD. Yes.

Mr. LINTHICUM. I would like to ask the gentleman whether he has any figures as to how much we pay for the hire of boats up there in the fisheries? I notice that in this bill it says "hire of boats." I was wondering whether it would not be cheaper to own a boat.

Mr. FITZGERALD. This is carried in the language of the appropriation for the current year. The amount carried in this item is to charter a boat to go up from Seattle to the Pribilof Islands. The statement has been made that an arrangement had been entered into to charter that boat for \$9,000, and \$41,000 is to buy the supplies.

Mr. LINTHICUM. I was wondering whether it would not be better to own a boat up there, which could be used at the same time for the protection of the fisheries.

Mr. FITZGERALD. The Secretary of Commerce has recommended that the limit of cost of the lighthouse tender, which was authorized at a cost of \$250,000—

Mr. MANN. At \$325,000—

Mr. FITZGERALD. Should be increased to \$325,000, so that it would be a suitable vessel to carry the supplies to Alaska and also work at times when it is now claimed that a smaller boat could not work. Of course, unless Congress fixes the limit of cost of that vessel at \$325,000 the Committee on Appropriations has no authority to appropriate in excess of the limit fixed. What the gentleman has in mind, however, probably is an estimate by the Department of Commerce for an appropriation of \$100,000 to purchase 9 or 10 boats for use in Alaska.

Mr. LINTHICUM. Yes.

Mr. FITZGERALD. It is stated that in the inspection of the fish canneries in Alaska there is no means of going to them except by notifying the persons who operate them that the inspectors desire to go there and by having the canneries send a vessel to take the agents of the department to visit the cannery; it is claimed that the result is that the agents can never make a real inspection, because the people in charge of the canneries are always prepared for their visits when they arrive. That estimate is pending, but there is no authority for the purchase or construction of those vessels, and it is not submitted as an estimate for a deficiency.

Mr. LINTHICUM. This does not cover that.

Mr. FITZGERALD. No; it has nothing at all to do with that. This is merely for the charter and the supplies that are to be sent up to feed these natives and the American employees in the Pribilof Islands.

Mr. LINTHICUM. I brought up the question because I was interested in the proper protection of the fish. I do not believe it can be done properly in the way things are now going on.

Mr. FITZGERALD. I think the fish probably are properly protected, but perhaps the method in which they are put up for our use might be very greatly improved upon.

Mr. LINTHICUM. They are not properly protected when they turn some millions of herring into fertilizer up there. That is not proper protection, certainly.

Mr. FITZGERALD. Well, I do not know.

Mr. MANN. Mr. Chairman, I understand that the vessel that is to take the supplies up there is chartered at a cost of \$9,000, and the people who furnish the vessel also operate it.

Mr. FITZGERALD. This is a charter party.

Mr. MANN. The suggestion has been made that we build a vessel which can be operated to go up there. I would be inclined to think that the cost of operation would amount to as much as the freight we pay, and perhaps more, when we charter a vessel going up to the Pribilof Islands.

Mr. FITZGERALD. Heretofore the cost has been from \$18,000 to \$20,000 a year. For four years it has cost \$80,000. The statement is made that this very favorable present rate is obtained because of a desire to send the vessel up a little earlier than usual, perhaps.

Mr. MANN. These other vessels that were referred to by the gentleman from New York in response to the gentleman from Maryland [Mr. LINTHICUM]—

Mr. FITZGERALD. They are vessels to be stationed up in Alaska.

Mr. MANN. They would not be available to go up to the Pribilof Islands.

Mr. FITZGERALD. No.

Mr. MANN. As I understand, the department have recommended that they have a new navy in the Department of Commerce. They have one now connected with the Lighthouse Service and another connected with the Coast and Geodetic Survey. They want an additional new navy now to skirt along the coast of Alaska in order to give very many pleasure trips, and undoubtedly useful trips, to inspectors employed in that department.

Mr. BARTLETT. They have not got that.

Mr. MANN. It would be very convenient to have one in Chicago in the summer time, though I have never favored it.

Mr. FITZGERALD. It would be more useful in New York.

Mr. MANN. I can not see any other use for it.

Mr. FITZGERALD. Let us have a vote.

The amendment was agreed to.

The Clerk read as follows:

DEPARTMENT OF LABOR.

Bureau of Naturalization: For the purchase of safety paper for certificates of naturalization, \$4,200.

Mr. J. R. KNOWLAND. Mr. Chairman, in view of the fact that we are now considering an appropriation for one of the departments of the Government, I take this opportunity to ask the gentleman from New York what information he has relative to the reports which have been generally published of late in the newspapers to the effect that some of the departments are turning out many of the old Grand Army veterans. Too vigorous a protest can not be made against this reported action. I notice that the Post Office Department, for instance, has let out about 14, and demoted about 25 more, recently. Of course, they may advance some good reason for this, but many of the cases are indeed pathetic, and it seems to me we ought either in this Congress to enact some character of retirement legislation to provide for these dependent employees of the Government or else they should not in their declining years be thrown out upon the world, and contrary to section 4 of the act of August 23, 1912, which states:

Provided, That in the event of reductions being made in the force in any of the executive departments, no honorably discharged soldier whose record in said department is rated good shall be discharged or dropped or reduced in rank or salary.

The commander of the Department of the Potomac, Dr. J. K. Gleason, in a recent interview concerning these dismissals, said:

Many of these men present pathetic cases. With no prospect of a pension bill at this session they are literally thrown out, with little prospect of obtaining other work. Their age precludes that; but in the majority of cases their age does not impair their efficiency in the work they have been performing right along.

It also was found that the average age of those forced to resign was 73 years. Among these, one man who had served 37 years was 74 years old, another with 32 years of service was 70, an 81-year-old man had spent 24 years in the service, and two men, each 77 years of age, had been 20 and 15 years, respectively, in the post office. The youngest of the four men removed was 69 years, a second was 71, and the other two were 77.

With the demotions the Grand Army of the Republic has not a word of complaint—

Said Commander Gleeson—

But where we do draw the line is at the throwing out on the streets of men with families who have fought for their country, and who have spent their best years in her service. It is bad enough for a private concern to do that, but when a Government shows so little consideration for men who risked death, and who offered their lives to her, it is time for a pretest.

It seems to me it is up to Congress to try to meet this very serious situation. I will inquire of the chairman of the committee whether he knows anything of these dismissals.

Mr. FITZGERALD. I have no information except what I read in the papers. Of course I always make allowances for anything I see and for a good many of the things I hear. I think the cases referred to by the gentleman are in the city post office, which is provided for out of the moneys carried in the Post Office appropriation bill and would not naturally come to the attention of the Committee on Appropriations.

Mr. BARTLETT. Not in the Department of Labor, anyhow.

Mr. J. R. KNOWLAND. Has the gentleman any information, as one of the Democratic leaders of the House, as to whether anything is going to be done in the way of reporting legislation to provide a retirement plan to meet these cases?

Mr. FITZGERALD. The gentleman's eyesight is failing. I am not one of the leaders of the House, and so I can not furnish the information.

Mr. J. R. KNOWLAND. The gentleman is too modest. Certainly we all regard him as one of the leaders of his party.

Mr. FITZGERALD. I am not one of those who formulate programs. Like the gentleman from California, I am simply a private in the ranks, and there are things which I can not help.

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn and the Clerk will read.

The Clerk read as follows:

LEGISLATIVE.

HOUSE OF REPRESENTATIVES.

For miscellaneous items and expenses of special and select committees, exclusive of salaries and labor, unless specifically ordered by the House of Representatives, \$52,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Can the gentleman from New York from his data give us the amount that we have appropriated for the contingent fund for the last two or three years?

Mr. FITZGERALD. For the current year we appropriated \$75,000 and a deficiency of \$30,000, which makes \$105,000.

Mr. MANN. For the current year?

Mr. FITZGERALD. For the current year.

Mr. MANN. The gentleman has not included this item?

Mr. FITZGERALD. Plus this item of \$52,000.

Mr. MANN. And then there will be another item in the general deficiency bill?

Mr. FITZGERALD. No; this is expected to take us to the end of the year, unless the House authorizes some additional expenditure.

For 1913 the appropriation was \$210,000, but there was an unexpended balance of \$30,000 which was reappropriated, and is a part of the amount I have already stated for the current year. In 1912 the appropriations were \$190,000; in 1911, \$107,000; in 1910, \$115,000; 1909, \$115,000; 1908, \$170,000.

Mr. MANN. Has the gentleman any data which shows how much these expenditures have been for special committees and regular committees of the House?

Mr. FITZGERALD. We have not that information at this time. When the previous urgent deficiency bill containing a reappropriation of \$30,000 of the amount previously appropriated was before the House I had that information.

Mr. MANN. Has the gentleman any data which shows how much the committees of the House in making investigations have cost in the way of printing?

Mr. FITZGERALD. No; they would not get that before the committee, because all of that printing is paid for out of the congressional allotment.

Mr. MANN. I understand; but I thought perhaps that information had been secured from the Public Printer in connection with the congressional allotment.

Mr. FITZGERALD. No; I have not obtained the information.

Mr. MANN. I am told, although I do not vouch for the statement, that there has been some abuse in the way of printing by some of the committees of the House, which would, I think, attract attention if brought specifically before the House, which I have no desire to do. It is said that very large amounts of matter have been printed solely for the purpose of sending into certain districts.

Mr. FITZGERALD. I have no information as to that. These committees are authorized to have printing done. In the Committee on Appropriations the practice is, from the experience that has been had there, to have printed such a number of copies of the hearings on different bills as experience shows there will be a demand for. After a session or two passes there are usually no copies of hearings of the Committee on Appropriations other than the official files. At times, when some particular subject is investigated for which there will probably be a greater demand than usual, that committee prints separately the testimony taken on that particular subject, so that the additional copies of that testimony may be printed without going to the expense of printing a large volume. What the practice is with other committees I do not know, but I think by the exercise of care a considerable saving can be effected and eliminate the cost of unnecessary copies of hearings. If the printing bill now before the two Houses becomes a law—

Mr. MANN. Which it will not.

Mr. FITZGERALD (continuing). The hearings of all committees will become public documents, to be indexed and distributed, and there will not be very much saved in the cost of printing.

Mr. MANN. I said it would not become a law, but that does not mean that I am opposed to it. I say it will not become a law because the Democratic Members of the House have got the public business tied up so that no bill of any length will become a law, and not many without length will ever have a chance to become a law, except by unanimous consent.

Mr. FITZGERALD. We will try to find time to pass all legislation that is really essential for the prosperity and welfare of the people.

Mr. MANN. I understand that is the position of the leaders, and we shall say that where you did not pass legislation you did not consider it good for the prosperity and welfare of the people.

Mr. FITZGERALD. I do not speak for the leaders; I am speaking for the rank and file.

Mr. MANN. Oh, but the gentleman is a leader; he is speaking for himself. [Laughter.]

The Clerk read as follows:

For folding speeches, to continue available during the fiscal year 1915, \$6,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 5, after line 22, insert: "There is authorized to be expended out of appropriations made in joint resolution approved October 24, 1913, for furnishing the additional rooms in the House Office Building, \$1,600 for additional awnings for windows in said building."

Mr. FITZGERALD. Out of the money appropriated to furnish the additional story, awnings have been purchased, but awnings on the balance of the building are in very bad shape. On an average they cost \$4 apiece, and this is to provide awnings for the comfort and convenience of Members.

Mr. TOWNSEND. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. TOWNSEND. Does this provide any fund for dividing and partitioning off the rooms opposite the offices on the fifth floor?

Mr. FITZGERALD. No; it was estimated a few years ago that that would cost \$84,000. This is for awnings for outside windows.

Mr. TOWNSEND. I am referring to the dormer space opposite the offices on the fifth floor. That space has not been partitioned off.

Mr. FITZGERALD. I think that will be taken care of later.

Mr. MANN. The gentleman means the wire partitions?

Mr. TOWNSEND. No; that does not answer the purpose of Members. That space should be partitioned off so that it can be used by Members for typewriting and extra folding and addressing envelopes, and so forth.

Mr. MANN. That would not be practicable; it would be hotter than hades in the summer time, and I do not know but that in the wintertime.

Mr. TOWNSEND. It can only be used as a storage space. If the space were partitioned even roughly, so that it could be used for the purpose of Members who have extra help addressing envelopes and speeches, it would be convenient.

Mr. FITZGERALD. It would be very inconvenient and very hot.

Mr. LINTHICUM. Is there any proposition before the committee about dividing the offices so as to form a private office?

Mr. FITZGERALD. A few years ago an estimate was made that it would cost \$84,000 to divide the offices in the House Office Building.

Mr. MANN. If the gentleman wanted an office divided up, why did not he take an office on the fifth floor when he had the opportunity?

Mr. LINTHICUM. Because some like to be on the ground floor, and I am one of them.

Mr. MANN. The gentleman had an opportunity to take an office divided and he ought not to complain because they are not all alike.

Mr. LINTHICUM. The gentleman will realize that we have plenty of space, but we want it divided so as to get a private office.

Mr. MANN. Where does the gentleman mean there is plenty of space?

Mr. LINTHICUM. I have a room that has plenty of floor space; but if it were divided up so that a man might do work on bills and such things as that, it would be a very great advantage. At present everybody is coming in and interrupting, and we do not have an opportunity to do the work unless we take the work home.

Mr. TOWNSEND. The gentlemen, it must be understood, who are on their feet have two or three offices each.

Mr. MANN. Oh, I have only one room and an alcove, the door of which is never closed. A good many Members did not want these offices divided up the way they were, and an opportunity was offered for any former Member of the House to take one of the rooms that was divided up. We had to order some of the partitions out at the request of Members who were going to get rooms who did not wish those partitions.

Mr. LINTHICUM. Mr. Chairman, I would rather stay in the office where I started. If I moved out, I might break my luck.

Mr. MANN. Wise man.

Mr. ALLEN. Mr. Chairman, it would be an economy of time and save much more than \$84,000 to the Government if there were partitions put in those offices, so that a Member might have a private office where he could concentrate his mind on his work and not be distracted by the pounding on the typewriter and ringing of the telephone and other confusion of a general office, requiring him, whenever he wants to do any consecutive work, to take his books and papers home and work there until 11 o'clock in the morning.

Mr. MANN. A Member of Congress ought to work in the daytime, and then he ought to take his work home at night.

Mr. ALLEN. And, of course, we do.

Mr. MANN. I exhibit myself as a healthy specimen of the man who can do that.

Mr. ALLEN. But in the morning a Member should be in his office, so that those who call from his district will find him there and not have to be told that he is working at home, for lack of accommodations in the Office Building.

Mr. MANN. Members of Congress are in their offices too much. They ought to be more in the Chamber.

Mr. ALLEN. I said "in the morning."

Mr. FOSTER. Mr. Chairman, if we had more conveniences over there, they would not be here at all.

Mr. MANN. We ought to have sharp tacks on all of the chairs over there.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

Mr. MOORE. Mr. Chairman, I wish the chairman of the Appropriations Committee would state whether there is any provision in this item for the restoration of the desks of Members in the House Chamber?

Mr. FITZGERALD. No; and there never will be if I can prevent it.

Mr. MANN. There would have been a point of order made upon it long ago if there had been any such provision.

Mr. MOORE. Having a minute or two, I would like to comment upon that subject.

Mr. FITZGERALD. I think the gentleman is the only Member I have ever heard complain of the lack of desks in the Chamber.

Mr. HUMPHREY of Washington. No; the gentleman is mistaken.

Mr. MOORE. I have a large number of letters in my possession, which I will produce at the proper time, from Members of the House, saying that they are very much inconvenienced by the present arrangement, which is somewhat Anglomaniac.

The House now is made to conform very much to the British custom, which I understand in some respects would be offensive to the gentleman from New York [Mr. FITZGERALD], but nevertheless it apes the British Parliament, and it is not for the convenience of American Members of Congress.

The gentleman from Illinois [Mr. FOSTER] a moment ago said that if the offices were a little more convenient in the House Office Building it would be very difficult to get Members into this Chamber at all. I wish to say that very many Members of the House are of the opinion that because they can not do any work in the House Chamber it does not pay to remain here always to hear a very few gentlemen comment upon public business. There are no conveniences for the average Member in this House.

The gentleman from New York [Mr. FITZGERALD], the chairman of the Committee on Appropriations, has a desk over there to himself, and the gentleman from Illinois [Mr. MANN], our very distinguished leader on this side, has a corner of a desk here, which he constantly uses. There are very few others who have any such facilities. They may go outside, but if they do they sometimes lose the opportunity to be heard or the chance to offer amendments which might greatly improve legislation that is brought in by committees. We have no copy of the rules and digest at our command in this House, unless we send for them and wait two or three minutes. We have no facilities for keeping papers together, and must carry them in our pockets. It is easy for the gentleman from New York, with his splendid grasp of public affairs, having an office right here at the corner of the House Chamber to which he may go at his convenience at any time and get anything he desires, but those of us who have to go over to the House Office Building from time to time to get papers pertaining to matters that come up suddenly find it very inconvenient. Sometimes we lose the opportunity of being checked up on a roll call when going for books or papers that may be necessary to sustain ourselves in disputes, possibly, with the gentleman from New York. I think the question of these conveniences will rise here before the gentleman from New York thinks it will. We ought to have the desks restored or lockers or writing arrangements of some kind, in order that copies of the rules of the House, the Congressional Directory, and other necessary reference books and papers may be kept at hand. The individual Members are entitled to this.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE. I am very sorry I can not proceed further, but I have brought the matter to the attention of the House.

Mr. HUMPHREY of Washington. Mr. Chairman, I would like to ask the gentleman from New York [Mr. FITZGERALD] a question. Is it necessary to wait for this appropriation before we get awnings on the fifth floor of the House Office Building?

Mr. FITZGERALD. I do not know. The money for the awnings on the fifth floor is provided.

Mr. HUMPHREY of Washington. Already provided?

Mr. FITZGERALD. Yes.

Mr. HUMPHREY of Washington. I just wanted to say that I know from personal experience that there is great necessity for them, because of all the hot places that I have ever been in, that is the worst.

Mr. FITZGERALD. I will inquire about it. My attention has only just been called to the fact. I supposed the awnings were there. I have just been informed that they were ordered, but have not yet been delivered. Of course, delays in deliveries happen.

Mr. HUMPHREY of Washington. They ought to be put up. While I am on my feet, being one of the Members who have one of these offices on the fifth floor, I would like to say there are reasons, notwithstanding the statement made by my distinguished friend from Illinois [Mr. MANN], why some of those offices below ought to be divided, as was suggested. The reason is this: These offices upon the fifth floor are so infernally hot that it is going to be impossible to live in them, and all the statements that you have been hearing from different parties and from those who helped construct the building that these offices upon the fifth floor were going to be comfortable and were not going to be hotter than the other parts of the building is all a mistake, as any man will know if he walks into one of those offices to-day. There have been several days already when it was almost impossible for me to stay in my office.

Mr. GARDNER. How will it be in July?

Mr. HUMPHREY of Washington. I would not want to use the only word that comes to my mind as describing the conditions which I think will exist in those offices in July.

Mr. MONTAGUE. If the gentleman will permit, will the gentleman tell me who is responsible for the present structure, this remarkable structure that is called the House Office Building?

Mr. FITZGERALD. One of the most distinguished architects in the country—Mr. Carrere, of the firm of Carrere & Hastings.

Mr. HUMPHREY of Washington. I think myself that building as an office building is an architectural monstrosity, and every time I walked into that building I felt ashamed that I was one of the Members who voted to appropriate the great sum to construct it. It is absolutely unfit for office purposes. One-third of the money expended in its construction would have given every man in this House a fine suite of offices.

Mr. MONTAGUE. I would not call the exterior of the building an architectural monstrosity, but I was referring to the arrangement of the interior.

Mr. FITZGERALD. I am not responsible—

Mr. MONTAGUE. Of course the gentleman from New York is not responsible; I am not criticizing; I am merely seeking information.

Mr. FITZGERALD. A commission was created which was under the supervision of the Superintendent of the Capitol, and Mr. Carrere, of the firm of Carrere & Hastings, since deceased, who was one of the most eminent architects in the country, was consulting architect. The building was constructed so as to fit in with the architectural features of the Capitol and Library. Now, as regards the criticism of the arrangement of the interior of the building—

Mr. MONTAGUE. There is no arrangement in the interior of the building; just a lot of halls.

Mr. FITZGERALD. I had nothing to do with that. I was very glad to be furnished with an office when that building was constructed, after having served eight years without any facilities whatever. Perhaps those of us who then got offices were not so critical as to whether we had our offices just as we desired them or not. I was so thankful to be given an office and not be compelled to hunt all over town for our work and our employees.

Mr. LINTHICUM. Will the gentleman yield for a question?

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. HUMPHREY of Washington. I will yield the gentleman the balance of my time.

Mr. LINTHICUM. Mr. Chairman, I want to ask the gentleman from New York a question.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the last word. The time of the gentleman from Washington has expired. I yield to the gentleman from Maryland.

Mr. LINTHICUM. I would like to ask the gentleman whether there has been any consideration given to the question of selling the desks which were formerly in the House? I do not think there is any likelihood of them being put back; I am sure I would not vote to put them back.

Mr. FITZGERALD. I think that is wholly in control either of the Clerk of the House or the Superintendent of the Capitol Building and Grounds. They are stored away. At one time it was thought perhaps Members might not be satisfied and those desks might be restored, but my experience has been that this House has had better order in the transaction of its business since the desks were taken out than it could ever possibly have had when the desks were here, and that in the consideration of important legislation the Members have been much better satisfied with the arrangement and conduct of the discussion on those measures.

Mr. LINTHICUM. I want to say to the gentleman I think this is a very much better arrangement. I had a talk with the superintendent, and he told me that the desks might be sold after they found out how this new arrangement worked, and I am frank to say I would like to secure the old desk which I occupied, and lots of the other Members would like to have their old desks. I was told they could be secured. Now, if they could be sold, it would be quite a revenue to the Government, instead of letting them stay in storage, occupying space and losing in value all the time. They are made of splendid wood, nice desks, and lots of Members would like to have them if they can be procured.

Mr. MANN. Mr. Chairman, I think the gentleman from Maryland is slightly in error in reference to these old desks. Now, I possess one of those old desks and chairs, and put them away somewhere in the garret at home. At that time, having sat at that desk for one or more terms of Congress, and having a higher opinion of the responsibilities of Members of Congress than perhaps than I do now, I seized the opportunity to buy that desk and chair for, I think, the modest sum of \$5, at which

they were sold; but those were individual desks. I wish now I had the \$5 instead of the desk. [Laughter.] But those were individual desks. The desks which were last in the House were not individual desks. While each Member had a desk to himself, they were not partitioned as between themselves, and it would not be possible to divide those desks up between Members without sawing in two a half an inch or so of board and putting a leg on it, because there is only one leg on the desk; and while some one-legged Members might get through very well, a desk will not stand up with one leg unless widely separated at the bottom and it comes in the center of the desk. I do not believe they are available.

Mr. LINTHICUM. I want to say to the gentleman that I understood from the superintendent they could be separated, and that with little expense another leg could be put on.

Mr. MANN. We went over that matter with the superintendent a little while ago, and it is not feasible, in my judgment, notwithstanding what the superintendent has said to the gentleman. We discussed the matter with the superintendent in front of the desks.

Mr. GARNER. Evidently these desks ought to be disposed of, if they are not going to be brought back, at whatever price can be gotten for them.

Mr. MANN. Yes. Some gentlemen are now insisting that we ought to place the desks back in the House. I think those desks have been retained with the idea that possibly a portion of them might be put back in the House, or possibly they might be fixed up in some way so that Members could take them. Those desks can not be put back in the House, all of them, and there still remain room for the membership of the House. There is no way by which this House with its present-sized Chamber can furnish an individual desk to each Member of the House, and thus supply desks for all the membership of the present House. We have increased the number of Members by 35 or 40 since the desks went out, and there is not room in the House for the desks. Now, you could supply a sort of desk to the House, and what I rose for was to say on the floor what I have said to many Members individually without it seeming to have an effect upon them at all—those Members who complain of lack of room in which to put papers—that in each of these four desks here now there are on the side toward the Speaker three drawers. Some of those drawers are kept locked and a portion of them are kept unlocked. Keys to the drawers which are locked are in the hands of the respective party men on the two sides of the House, and Members could get these drawers opened and put papers in them and have them locked while the House is not in session and get the papers when they come in again without any trouble. I think I have told that to a large number of gentlemen on my side of the House who complain of a lack of opportunity or any place in which to put their papers, and I am sure that not one of them has ever put a single paper in one of those drawers. So I have doubted whether there was that great lack of opportunity. Yet I do not know that people want to keep papers in them.

Mr. HUMPHREY of Washington. I have put papers in them.

Mr. MANN. The gentleman from Washington has put papers in the drawer to which I have the key and to which nobody else has a key, and I am always glad of the opportunity to do that, but if I were not here he could not get into the drawer.

Mr. HUMPHREY of Washington. I could put them into one of the other two.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk concluded the reading of the bill.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise and report the bill and amendments with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and the Speaker pro tempore (Mr. HAY) having resumed the chair, Mr. FERRIS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 16508) making appropriations to supply further urgent deficiencies in appropriations for the fiscal year 1914, and for other purposes, and had directed him to report the same to the House with certain amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

Mr. FITZGERALD. Mr. Speaker, I move the previous question on the bill to its final passage.

The previous question was ordered.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? [After a pause.] If not, the Chair will put them in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. FITZGERALD, a motion to reconsider the vote by which the bill as amended was agreed to was laid on the table.

INTERSTATE TRADE COMMISSION.

Mr. ADAMSON. Mr. Speaker, I ask for the regular order under the rules.

The SPEAKER pro tempore. The regular order is the consideration of the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes, and the gentleman from Tennessee [Mr. HULL] will take the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes, and for the consideration of other bills mentioned in the special order of the House.

Mr. ADAMSON. Mr. Chairman, I do not see the gentleman from Minnesota [Mr. STEVENS] here, but I know he intended to yield 30 minutes to the gentleman from Kansas [Mr. MURDOCK].

Mr. MANN. A parliamentary inquiry, Mr. Chairman. How much time remains for debate on the two sides?

Mr. ADAMSON. Sixty-six minutes and fifty-five minutes.

The CHAIRMAN. The gentleman from Kansas [Mr. MURDOCK] is recognized for 30 minutes.

Mr. MURDOCK. Mr. Chairman, the paramount national necessity is trust legislation that will at once reassure honest business and wipe out monopoly.

No blind, groping, random, timid attack upon the legal forms used by big business can either reassure honest business or destroy monopoly.

Only a clearly constructive, comprehensive, direct remedy, applied boldly, not to the form but to the substance of the evil, will reassure honest business and crush monopoly.

The pending bills, containing, it is true, many commendable features, are, taken in their entirety, blind and random and timid. With our 24 years of trust-law experimentation to judge by, there is a strong and narrowing prospect that they will merely thicken the legal fog in which honest business is lost and in which monopoly hides while it fattens.

The Progressive Party trust bills, which are direct and constructive, which do not confound big business and monopoly, and which do attack not the form but the substance of monopoly, which boldly recognize that there are monopolies that have grown from natural causes, as well as monopolies that have grown from unnatural and illegal practices, and which eliminate both kinds of monopolies, would give honest business full information as to just what it can and what it can not legally and properly do. And they would destroy monopoly.

The Democratic measures mean further delay in the solution of the trust problem. The Progressive measures mean dispatch.

The pending Democratic measures, save for a mere rudimentary and purely investigative trade commission, which is to go hunting in the trust jungles—with a camera—leave all the work to the lingering, laborious, inept adjustments of the overcrowded courts.

The Progressive plan creates a powerful trade commission, with the right to develop whether a monopoly exists, upon what basis it exists, and to take away its monopolistic power.

MONOPOLY'S PLAY FOR DELAY.

The millstone around the neck of the honest business of the Nation, waiting for solution, and offered now these random Democratic measures, is delay.

The crying necessity of the hour, the need of decent trade, the demand of honest competition, the rights of labor, the exigency of the people, is, in this matter of remedial legislation, expedition.

For delay is the darling device of our money overlords. They have gorged upon it for 40 years and grown fat. Upon this meat each day they have added to their insolence, their brutality, their insatiable hunger for more and irresponsible power. They have bribed, stolen, perjured, debauched for delay. They have, in cynical contempt for the law, in scorn of the public weal, plundered the public estate, fed upon the substance of labor, taxed the people, polluted the public service, by means of delay. They have tightened their control of various corporation practices; they have perverted the benefactions

of the principle of cooperation; they have distorted the advantages of steam, electricity, and of invention; they have preyed upon human life itself—all by the simple instrumentality of delay. They have played the rights of the States against the Nation, the Nation against the State, the decree of the court against the edict of the legislature, the legislature against the court, for delay.

Their creed is the divine right of vested property, their quest possession and its superior rights in the law, and their weapon delay.

For half a century they have fenced with the common law, with statutory prohibition, with executive attack, with judicial definition, always for delay; the delay which is fastening on society the technical rights of ill-gotten property against the day of society's helplessness and despair.

That is why there can not be between this Government and private monopoly conciliation; that is why there must be war, remorseless and unrelenting and exterminating war, upon monopoly.

THE DEVASTATION OF COMMERCIAL BRIGANDAGE.

For here, at the end of a struggle lasting nearly a quarter of a century and after a drawn battle, we are to move once more on the enemy of the Republic. Every consideration calls for courage from Congress. Every factor involved is a challenge to our earnestness of purpose. The evil forces we face are, to all of us, matters of daily observation. There is no man here who can not point, in his own district, to the victims of the system. In every State, in every city, in almost every town there is evidence of its cruel brigandage—the crumbling ruins of abandoned mills, absorbed and closed by the trust; the tragedy of the little merchant struggling awhile against his monstrous enemy, to sink at last with the damning brand of commercial failure upon him; the great, sad, shifting, homeless army of unemployed, which is forever groping from the job that has disappeared out into the darkness of industrial uncertainty and despair.

There is no man here who is unaware that the great natural resources of the country, its timber, its coal, its phosphates, are concentrating into the hands of the few; that the commodities of daily universal use, its sugar, its oil, its food, its raiment, the material of its shelter, are gravitating to a narrower and narrower control.

There is no man here who does not impeach, in his moments of deeper deliberation, an economic spectacle which shows 5,000,000 farms, annually teeming with grain, swollen in volume an hundredfold by the beneficence of machinery, and side by side with these bursting bins of plenty hunger and want; which shows hundreds of thousands of pastures dotted with flocks and millions of acres white with cotton, and side by side with them the rags of penury; which shows the greatest developed and undeveloped coal measures of the earth, and side by side with them the city's poor, carrying the family fuel for a winter's day home in a bushel basket.

This is the condition which challenges the consideration of Congress. For this we begin again the battle against monopoly. We ought to attack with certainty, with definiteness, and with courage. We ought to mean business. It is a betrayal of the Democracy to enter this fight with a white flag convenient and equipped only with blank cartridges.

THE PATIENCE OF THE PEOPLE.

It is nearly 50 years since Vanderbilt epitomized the economic attitude of monopoly in the exclamation, "The public be damned!" The attitude of his class has never changed. It may have permanently omitted the early and vigorous expression of scornful condemnation from its vocabulary, but it has not changed its view or, as is shamelessly evidenced in the New Haven piracy, its practices.

The public, resenting the insult, has sought for 50 years to meet the challenge through this governmental agency and that. It has maintained through long and discouraging periods of official futility cheerful and impartial reliance upon State and national law; it has exercised marvelous patience while the executives, the legislatures, and the courts in turn attacked, in its behalf, and returned worsted from the fray; through good times and bad, through this policy and that, through seasons of golden partisan promise and pinchbeck performance the public has not repined.

Yet every defeat of the public has added to the infamy of the insult, every delay has increased the difficulty of the problem of monopoly, and every compromising postponement of adequate remedy has brought the disease nearer the stage of malignancy.

Fifty years ago the Nation had not differentiated between the transportation monopoly and the industrial monopoly. But 30 years ago the difference began to be apparent. In 1835 the

oil and sugar monopolies were identifiable. Other industrial monopolies followed fast upon their heels. Under the lash of public apprehension Congress passed its prohibition against private industrial monopoly. Relief did not follow. There was after a waiting period an outcry against the inaction of the administration of the law. After another long period there was vigorous prosecution of the trusts. But the attitude of the monopolists did not change and mere prosecution, as it often is, was not in this instance a corrective. At last there came in a celebrated test case the decision of the court of last resort, upholding the act of Congress, confirming the contentions of the prosecution, and entering the imperial mandate of final authority—the judicial decree of dissolution of the Standard Oil Co. The decree proved impotent.

SHALL WE TRAVEL THE CIRCLE OVER AGAIN?

Most of us have in our lifetime seen the Standard Oil Co. operate as a pool, as a trust, and as a holding company, and under a community of interests, but always as a monopoly. We have seen every successive form of the company succumb before the governmental processes brought against it, and the substance of its monopoly remain inviolate and intact.

It has been a long, hard, disheartening circle for the people of the United States to travel, and they have ended where they started. Shall we ask them to travel the circle again, or shall we strike out in the new direction to which ripened experience, economic knowledge of the facts, and good judgment and public welfare points?

Shall we continue to attack monopoly as before with rigid legislative prohibitions, applied selectively and sporadically by the prosecution attorney, and enforced by the courts in decrees that are neither effectual upon the defendant at bar nor corrective of like malefactors not at bar?

Or shall we attack monopoly by placing in the hands of a strong administrative commission the business of directly determining (1) the existence of monopoly; (2) the basis of that monopoly; and (3) the manner of ending that monopolistic power?

Shall we continue, as proposed by the Democrats here, the policy of passing on to the courts for definition specific prohibitions directed against the forms of monopoly instead of its substance?

Or shall we adopt the policy proposed by the Progressive Party of giving to honest business free play for the highest degree of commercial and industrial efficiency and of putting a speedy end to dishonest business and to monopoly?

Shall we inaugurate a feeble investigative trade commission, as the Democratic leaders propose, and trust to the virtues of an optional publicity which an existing Bureau of Corporations has invoked for years in vain?

Or shall we have an interstate trade commission upon the progressive lines, armed not only to find facts but with power, when they have discovered facts, to act upon them?

It must be apparent that antecedent to an effectual application of an adequate solution of the problems of big and efficient business which is not monopoly and the elimination of big business which is monopoly is an interstate trade commission with administrative power.

THE COMMISSION POWERLESS—THE PROBLEM LEFT TO THE COURTS.

The Covington commission proposed by the Democratic leaders has no administrative powers. It is purely investigative. It will not enforce the prohibitions against combinations provided in the other Democratic measure, the Clayton bill.

The prohibitive provisions in the Clayton bill will be enforced only by the long, difficult, delaying processes of the courts.

The prohibitions of unfair trade practices in the Clayton bill intended to supplement existing law against unlawful restraints and monopolies, such as the prohibition of selling discrimination, are valuable; but they would be infinitely more valuable in the hands of a powerful commission than in the hands of the court. The same thing is true of the provision in the bill which makes it unlawful for the owner of a mine arbitrarily to refuse to sell the product of the mine to any applying purchaser. Again, the provisions of the Clayton bill which prohibits a tying contract between the manufacturer and the dealer wherein the dealer agrees not to patronize a competitor of the manufacturer would be more potential in the hands of a commission acting promptly than in the hands of the court, ill adapted to its very processes, for speedy action upon the various forms of infractions of this prohibition.

The soundness of this view is further emphasized by the provision in the Clayton bill against interlocking directorates. So far as the general prohibition against interlocking directorates in interstate railroad corporations and corporations engaged in selling railroad supplies and the prohibition against interlock-

ing directorates in banks are concerned, they are meritorious, but they belong to other fields than that in which the problem of the industrial monopoly is involved. There is, however, a specific prohibition against interlocking directorates in industrial corporations which is worthy of special attention. This provision could be readily enforced by a commission. It is absolutely certain to be evaded and circumvented for long periods, highly profitable to malefactors, when its administration is left to the courts.

THE ATTEMPT TO ELIMINATE HOLDING COMPANIES.

The Clayton bill also attacks the form of monopoly, not its substance, in its attempt to eliminate "holding companies." When in time the courts reach with banning decrees this provision the offenders will change the form of monopoly and escape with the substance of monopoly as before.

In a word, the Clayton bill pursues the old, futile line of action. This course necessarily followed the creation of a weak investigative trade commission in the Covington bill. There are provisions in the Clayton bill which would be virile if administered by a commission. They will not be effectual in the courts.

There are other provisions in the Clayton bill, such as the provision of the individual's right to sue under the Sherman Act and the provision making a decree against a corporation admissible in other suits as conclusive evidence of the same facts and same questions of law which belong to the courts properly and the courts alone. But the measure as a whole, meritorious as many of its provisions are, is not part of a harmonious, effectual plan for the solution of the great industrial problems. It turns to that source from which prompt relief has not come and can not come—the courts; and it turns there with new problems which in delay, intricacy, and confusion may equal the old.

That it is not based on an analysis of the whole problem is best shown in its halfway, frightened tender to organized labor. Labor is not a commodity. It is the individual's power to work. It has asked and is entitled to exemption from the provisions of the Sherman law. Yet the Clayton measure, fearful of giving that, makes a milk-and-water offering to organized labor by providing that nothing in the antitrust laws shall be construed as forbidding labor organizations. It makes the same timid tender to associations of farmers, who in the highly individualized condition of agricultural production are not a menace to society and are not part of the problem of monopoly.

THE ATTITUDE OF THE THREE POLITICAL PARTIES.

The alternative proposals here are fairly representative of the political parties making them. The Democrats, grounded in an inherent conservatism which they seek to disguise by offering new legislation, are persisting in a pursuit of the old policy of leaving the problem to the courts. All the argument which points out incontrovertibly that the courts must continue to touch the problem only within the bounds of settlement possible in private litigation is passed by without answer. All the mountain of evidence that in the business world there are a thousand delicate problems, each of which presents a different and distinct difficulty which a chance suit in court can not reach of necessity, is ignored. The Democrats believe that the old way is the best way.

And that is the position of the Republican leadership, with this difference, that the Republican leadership would do nothing in the way of tender of additional legislation in aid of the courts. They believe that the old way is not only the best way, but that it should not be disturbed. They stand for the solution of the problem in the court and without supplementing the Sherman law with new definitions. Their position is frankly avowed in the minority views from the Committee on the Judiciary signed by three Republican Representatives, GEORGE S. GRAHAM, HENRY G. DANFORTH, and L. C. DYER. They say:

The antitrust laws on the statute book at this time have been carefully considered by the Supreme Court and judicially interpreted through a period of 24 years, and if properly enforced are believed by us to strip corporations and trusts of any power to injure or oppress. No possible good can come from constant interference with business. It is our belief that business should have a rest from further legislation and be given an opportunity to adjust itself to the environment created by the existing antitrust laws as the same have been interpreted and are now being administered.

The proposed legislation contains many new phrases and sets up new standards, all of which would require a period of years of interpretation by the courts before their full meaning can be definitely known by the business world.

It is very undesirable to bring about such a period of uncertainty and doubt to worry and harass the business of the country.

A DIVISION AMONG THE REPUBLICANS.

This is the view of the conservative Republican leadership, set forth with the complete courage of the reactionary. It is interesting to note that this view meets at once a challenge

from that portion of the Republican Party which, while in complete political alliance with the conservative leadership of the party, can not bring itself into harmonious relation with the same leadership on policies—a situation which has caused Republican ineffectuality through compromise when the party was in power, and will continue to increase its impotency as a minority when out of power.

For Representatives JOHN M. NELSON and A. J. VOLSTEAD, Republicans, do not join Representatives GRAHAM, DANFORTH, and DYER in their views. They file a separate dissent. The Sherman law is not all-sufficient to Representatives NELSON and VOLSTEAD, for they say:

In seeking a solution of the trust problem no matter is more vitally important than that of providing means for the more vigorous enforcement of the antitrust laws. The Sherman Act has been upon the statute books for almost a quarter of a century; but the trusts have been constantly increasing both in number and in power. The fault has not been that the prohibitions of the Sherman law have not been broad enough, but that this act has not been vigorously enforced. A large number of most excellent proposals to strengthen the Sherman law so as to make it practically self-enforcing were presented to the Committee on the Judiciary. Most of these proposals have been ignored. This bill will not permit States or independent trusts to intervene in dissolution suits against trusts to protect their rights. Nothing is done to hasten the disposition of antitrust cases in courts. Even the suggestion that the Federal courts should be prohibited from enforcing contracts involving violations of the antitrust laws was rejected.

In keeping with the characteristic division among Republicans, Representative MORGAN, Republican, of Oklahoma, reported another dissenting view. Among other things, he says:

It has been nearly 24 years since the enactment of the Sherman antitrust law. Its meaning was long in doubt and obscurity. It is now better understood. The business world knows, in a way at least, its meaning. The law was not a success in preventing the concentration of business into large industrial units. We have large business organizations to-day, and there is no indication that through the enforcement of the Sherman law, or the enactment and enforcement of any new laws, our industrial units are to be materially lessened. The Sherman law has failed through the absence of proper administrative machinery to enforce its provisions. It is folly to enact more laws, when existing laws are not effective for lack of adequate enforcing agencies. What the country needs now is a law that will define and promulgate a well-defined national policy toward the great business interests of the country which will be just to our industrial forces and which will be fair to the people and fully protect them from exactions of business concerns possessed of monopolistic power.

THE PLAN PROPOSED BY THEODORE ROOSEVELT.

The Progressive proposal on the problem is comprehensive and constructive. It is set forth clearly by Theodore Roosevelt. He says:

The true way of dealing with monopoly is to prevent it by administrative action before it grows so powerful that even when the courts condemn it they shrink from destroying it. The Supreme Court, in the Tobacco and Standard Oil cases, for instance, used very vigorous language in condemning these trusts, but the net result of the decision was of positive advantage to the wrongdoers, and this has tended to bring the whole body of our law into disrepute in quarters where it is of the very highest importance that the law be held in respect and even in reverence. My effort was to secure the creation of a Federal commission which should neither excuse nor tolerate monopoly, but prevent it when possible and uproot it when discovered, and which should in addition effectively control and regulate all big combinations and should give honest business certainty as to what the law was and security as long as the law was obeyed. Such a commission would furnish a steady expert control, a control adapted to the problem, and dissolution is neither control nor regulation, but is purely negative, and negative remedies are of little permanent avail. Such a commission would have complete power to examine into every big corporation engaged or proposing to engage in business between the States. It would have the power to discriminate sharply between the corporations that are doing well and those that are doing ill, and the distinction between those who do well and those who do ill would be defined in terms so clear and unmistakable that no one could misapprehend them. Where a company is found seeking its profits through serving the community by stimulating production, lowering prices, or improving service, while scrupulously respecting the rights of others (including its rivals, its employees, its customers, and the general public) and strictly obeying the law, then no matter how large its capital or how great the volume of its business it would be encouraged to still more abundant production or better service by the fullest protection that the Government could afford it. On the other hand, if a corporation were found seeking profit through injury or oppression of the community by restricting production through trick or device, by plot or conspiracy, against competitors, or by oppression of wage-workers, and then extorting high prices for the commodity it had made artificially scarce, it would be prevented from organizing if its nefarious purpose could be discovered in time or pursued and suppressed by all the power of the Government wherever found in actual operation. Such a commission, with the power I advocate, would put a stop to abuses of big corporations and small corporations alike. It would draw the line on conduct and not on size. It would destroy monopoly and make the biggest business man in the country conform squarely to the principles laid down by the American people, while at the same time giving fair play to the little man and certainty of knowledge as to what was wrong and what was right both to big man and little man.

Here, then, are three proposals—the Democratic proposal to continue in the old way by adding broad prohibitions to the law and waiting on the refining definitions of the courts; the Republican proposal to stand pat on existing law and to stand still; and the Progressive proposal to reach the problem constructively, intimately, and expeditiously.

That the delay involved in the program of both Republicans and Democrats is indefensible must be clear to the people of this Nation when they review the experience with monopoly in the last 25 years.

HISTORY OF GOVERNMENTAL ATTACK ON MONOPOLY.

For we have seen the three branches of the Government—the legislative, the executive, and the judicial—each in its turn register a confession of helplessness. Each has written a record of futility. And all, in their independent spheres, have contributed to a delay in solution which at times seems to deny the power of the Government itself.

First in attack upon the problem came the legislative forces. The problem presented itself originally in the form of the corporation. The corporation was impersonal, immortal, divisible in interest, limited in liability. It fattened instantly upon the advantages of the telegraph and the railroad which unified the Nation into a single market. Its menace, before the Nation, was the presentment of a single possibility—monopoly. The first assault was therefore upon the attempt to monopolize. There were many instances of the menace of monopoly, but popular imagination chose as the best example the Standard Oil Co., and popular sentiment made its attack, through its most readily available instrument, the Congress, with the Standard Oil in mind. Congress, with no restraint whatsoever, upon a rigorous determination, passed the Sherman antitrust law. It halted at no degree of general drasticity. A combination in restraint of trade and an attempt to monopolize were man-handled with a breadth of definition and an extremity of penalty that left to the offender apparently no avenue of escape. So Congress, responsive to public sentiment, passed the law of 1890 and washed its hands of the whole affair, and, having done in extreme measure all it could see to do, passed the matter over to the executive branch of the Government.

The executive branch of the Government, whatever its initial impulses, at once evinced, not an enthusiasm for the new law, but a reluctance to apply it. The latitude of discretion inherent in the initiative functions of a prosecuting officer, and notable to a degree in the Attorneys General of the United States, touched the law officers of the United States with grave hesitation. It was one thing for Congress to write broad prohibitions. It was quite another thing for the Attorney General to enforce them. If two men combined in restraint of trade, were they alike guilty with a hundred men who had so combined? And what was monopoly? Was it complete control of an industry or a substantial control? And was a single individual, possessed of all the elements of control in a given line, amenable to the law? During all the weary years of alternating periods of dubious inactivity and sporadic activity the law officers of the Government have been sadly muddled over these questions and are still uncertain. And when they have shown activity the other branch of the Government, the judiciary, has added confusing elements of its own to the problem that have further befuddled those who are expected to maintain the majesty of the law by its strict and impartial enforcement.

THE ATTITUDE OF THE COURTS.

For the judicial branch of the Government has a noteworthy part in this history. In due course of time the business of giving final interpretation to the law reached the Supreme Court. A long period of interpretation has followed. The court, jealous as it is of its precedents, has ruled two and opposite ways on the law and has seen one of its chief mandates prove futile—that dissolving the Standard Oil—just as in another case the law officers of the Government discovered that the jury system did not reach, in the Beef Trust prosecutions in Chicago. Among the first cases to reach the Supreme Court were those involving the question whether the interstate carriers were subject to the law. The courts held that they came under the law, although they continue to combine and are in a vast number of instances monopolistic in theory and, except for the supervision of the Interstate Commerce Commission, are monopolistic in fact, and present a problem separate and distinct from industrial combinations and monopolies. The Supreme Court also held early in 1895, in the Knight case, that industrial establishments could combine when the combination only related to manufacture and not to commerce among the States or with foreign nations. The American Sugar Refining Co. purchased with its stock the stock of four independent refineries in Philadelphia which had been competitors, and, to quote the court, "had acquired nearly complete control of the manufacture of refined sugar in the United States." Yet the court found that this was not such a combination as could be reached by the Sherman antitrust law. Following these decisions there were unsuccessful attempts in Congress to amend the old Sherman antitrust law to meet this seeming deficiency in the measure dis-

covered by the Supreme Court. And during the years Congress has indulged in various investigations and created a Bureau of Corporations, in this instance as always demonstrating to itself and to the country the growing power of the big concerns, but always without bringing itself nearer a remedy. And in the course of time Congress has seen the Supreme Court change its attitude. Where the court had once ruled that articles of manufacture were not subject to the law—the Knight case—it now has ruled that articles of manufacture intended for interstate commerce are covered by the law—the Standard Oil case and the American Tobacco Co., 1911.

The Supreme Court completed the first cycle of the trust era with its decision in the Standard Oil case, which was given at the same time with that of a scarcely less notable case—the American Tobacco Co. case. Not the least of the values of the Standard Oil case is the universal knowledge of it by the people.

THE LONG FIGHT WITH STANDARD OIL.

The Standard Oil Co. was one of the first concerns to demonstrate to the people the potentialities wrapped up in the corporate form. It was powerful, closely knit, dominated by a single individuality, unconscionable, often venal, politically and corruptly busy, and it dealt in a commodity of general use. It invited early popular attack and it fought back. It proved early to all who are just ordinarily observant that publicity is not invariably a cure for the disease the Nation is fighting against. The Standard Oil was exposed in a hundred ways and upon a hundred occasions, but it continued to grow in size and strength. All that witnesses in the lower courts had brought against it, all that the writers of industrial history and of current politics had laid at its doors in infamy, lawlessness, and corruption, the Bureau of Corporations, in an exhaustive research, confirmed. But there was no cessation to the steady growth of power in this concern. Congress passed other laws, in other fields, believed to be to the detriment of the great Oil Trust. The giving of rebates to shippers by railroads, a device which the Standard Oil had used flagrantly, was prohibited. The Standard Oil moved along complacently. Congress removed the protective duties on petroleum and its products. The Standard Oil was unruffled. And finally the Supreme Court reached the case which had been brought against it. A Nation stood for months expectant, watched and waited each decision day. Markets halted in anxiety. The whole industrial future of the country seemed to pivot upon the decree of the court. And the court—20 years after the enactment of the Sherman antitrust law—found against the Standard Oil Co., and in solemn mandate ordered it dissolved. It was believed by some, before the decision, that the decree would rock to its foundations the business fabric of the Nation. But the great majority of the people believed nothing of the sort. There had grown up through the years of weary waiting an incredulity among the people about the possibility of forcing disintegration upon so great a concern. No panic followed. And the Standard Oil did not dissolve. It followed a form of dissolution by a fractional division of stock, but continued in potentiality, in profit, in service, in product, the same dominating, domineering unit it had always been. The market values of its several segregations, all in complete harmony, have from time to time leaped upward. The cost to the consumers of its products has advanced, and to-day the dissolution of the Standard Oil is not visible to the naked eye of lawyer or layman.

WHAT FOLLOWED THE DECREE OF DISSOLUTION.

Indeed, the decree strengthened the monopoly. Herbert Knox Smith, formerly Commissioner of Corporations, gives interesting testimony of this. Before the Committee on Interstate and Foreign Commerce he said recently, speaking of the suit for dissolution and its results:

Before we started the suit there was simply the great holding company, the Standard Oil Co. of New Jersey, which held the capital stock of the subsidiaries. The corporation was by that decree dissolved into those subsidiaries, 34 in number. The stock of the new subsidiaries was then issued to the holders of the old Standard Oil stock in place of the old stock of the Standard Oil Co. For instance, if you held one share of stock in the Standard Oil Co., the old company, you would now get a fractional share of stock in each of the 34 companies—the Acme Oil Co.; the Vacuum Oil Co.; the National Transit Co., which was a pipe line; the Standard Oil Co. of Indiana, of Tennessee, of Kentucky, of New Jersey, of New York, and of California—lots of companies that no one outside of the trade had ever heard of and that a great many in the trade never heard of. Take the position of the stockholder who had held one share in the old Standard. It is worth noticing. I do not exaggerate these figures. I can not state them exactly, but I will give the essence of them. Instead of having his one original share of the stock of the Standard Oil Co., he now got a new certificate that he held in, say for instance, the Acme Oil Co., $\frac{1}{34}$ of one share of the stock of the Acme Oil Co. Well, you can imagine his emotions; six figures in the numerator and denominator. He at once said to himself, "This is beyond me; I will sell it." So he went to his broker, and his broker said he would sell it for him. But the broker also said, "I do not know what the Acme Oil Co. is worth,

and you do not know, and there is only one little crowd of men in this country that does know." "Nevertheless, sell it," says the owner. So the broker sold. Now, these stocks fluctuated wildly on the market for the few months after the dissolution—I am not sure as to those figures, but my impression is that one of those companies fluctuated a thousand points on a par value of \$100. No one, except a very few, knew the real values. But there was just one crowd of men who knew exactly what those companies were worth—of course, the inside men of the Standard Oil Co., such men as the Flaglers, the Rockefellers, and the rest of that little group that has always controlled the Standard. And naturally they cashed in that knowledge just at that point, just as anybody else would. They knew what the Acme Oil Co. was worth, for instance, what it paid, and what its assets were and its earning power. They knew exactly, because they were the directors of this corporation and of all the others. So they bought up the wheat and sold the chaff, and the result of that dissolution, under the Supreme Court decree, really was that in about six months the control of the real essence of the Standard Oil Co. was more closely concentrated in the same group of men than it was before the decree was issued. That was one curious result of the dissolution, through a court, which could not take any cognizance of the real economic business questions involved. The court simply dissolved it along the lines of its legal form, with no reference to its business relationships.

That is, the force of the legislative, the executive, and the judicial branches of the Republic were brought against the Standard Oil monopoly and it prospered mightily against all of them.

THE AGE OF COOPERATION AND COMBINATION.

And while it prospered a thousand other concerns, not selected for prosecution, unnoted by the general public, forwarded by the commercially ambitious and the speculative, or by others in self-defense, have formed into great corporations which are taking or are attempting to take the elements of competition from their particular lines of commerce and industry. We are in a very orgy of organization. The age of cooperation, the corporate form of doing business, the concentration of control in the individual through the telegraph and telephone, the opportunity for speedy delivery through quickened transportation facilities, the psychology of common current news and tastes and fashion, all predispose the Nation to that activity. And the inevitable result has been the large unit—has been "big business."

Against this tendency and the savage advantage many of the captains of industry have taken of it, the law of a people whose every impulse is toward the splendors of cooperation has as yet proved futile.

The people have been marvelously patient. They have resolved not to lose any of the advantages of cooperation, and they have suffered themselves to be the victims of combination because they expected the processes of government to differentiate between the beneficent forces of cooperation and the deadly forces of monopolistic combination. They have waited in vain.

The people are tired of waiting. They want results. They are weary of delay. They want action. They are sick of palliatives. They want remedy.

They are not afraid of coordination of effort. They do not fear magnitude. They do not decree that big business shall cease to be big. But they do decree that big business shall cease to be crooked. And they do demand that private monopoly, whether it result from causes which are natural and not crooked or from unnatural causes and crooked practices, shall be wiped out in this Nation. [Applause.]

The decree against private monopoly which the people registered in the Sherman antitrust law stands. It will continue to stand. No political party dares to lay the violating hand of repeal upon it. But there must be other legislation.

The various bills which have been introduced here are to supplement it by clarifying its terms and by facilitating its administration. These proposals are meritorious in the degree in which they do this.

HELPLESSNESS OF DEALING WITH FORM, NOT SUBSTANCE.

They can not clarify its terms, they can not facilitate its administration, unless they deal with the substance of the evil rather than its form. They can not clarify its terms by merely prohibiting not fundamentally the evil principle in the thing done, but the method by which it is currently done. They can clarify it by stating the underlying principle which makes the thing wrong. They can not facilitate its administration by merely empowering a commission to investigate.

They can facilitate its administration by giving a commission power to compel testimony and to act, in correction of the developed evils, upon that testimony.

It is this line which distinguishes the legislation proposed here by the Democratic Party and that which is offered by the Progressive Party. The Democratic measures—the interstate trade commission bill and the antitrust measure reported from the Judiciary Committee—attack the form of the evil. The Progressive proposals in the bills numbered 9299, 9300, and 9301, which I introduced November 17 last, attack its substance. I have said before, and I now reiterate, the Democratic measures

will open up another long, weary, profitless cycle of uncertainty. The bills I introduced if enacted into law would bring speedy relief and remedy. They would drive private monopoly from the land and make dissolution of monopolies real and permanent. And they will give legitimate business the chart to which it is entitled—the chart which measures that deal with form and not substance will not and can not give.

That the Democratic Party's proposal for the creation of a trade commission, with its timid tender of powers of investigation, will bring no substantial relief is apparent from our experience with the Bureau of Corporations for a decade. This bureau has investigated, in many cases exhaustively. Its reports on petroleum, while corrective of certain practices, were conclusive of nothing materially remedial, nor were its reports on the beef industry nor on other lines, although they were thorough and valuable. They acquainted the Nation with facts, astounding and deplorable facts. But they remedied nothing. The Democratic trade commission, clothed with limited powers to develop facts, will find itself helpless, and, while the public waits, will inevitably appear at the doors of Congress, as the Interstate Commerce Commission previously appeared here for years, praying Congress to breathe the breath of life into its nostrils. Why not vitalize the trade commission at birth? Why not give it power to receive complaints, to act upon specific complaint, to deduce facts on concrete matters in controversy, to make findings, and to enforce remedies?

Why should the people, who have waited patiently for nearly a quarter of a century; why should legitimate business, which has held back in respect for the law while the industrial pirates, with no fear of the law, have played with a free and high hand; why should the people and legitimate business be asked to wait another score of years of delay, every hour of which the great and powerful illegitimate interests are using to further entrench themselves and to enrich themselves out of the helpless public and against the common weal?

COVINGTON COMMISSION NOT LIKE INTERSTATE COMMERCE COMMISSION.

The Covington trade commission is not modeled after the Interstate Commerce Commission, as a considerable portion of Congress believes. It is merely an enlarged Bureau of Corporations. It collates facts. It may or may not make its findings public; but whether its findings are made public or not, it can not act on its findings. It may find evil practice and recommend correcting readjustments, but it can not compel correction. It may investigate whether a decree of dissolution entered against a corporation has been or is being carried out, but it must halt thereafter with a mere report of what it found. So far as its actual power is concerned, the trade commission proposed by the Democratic committee—the Covington bill—is as helpless as an astronomer viewing Mars through a telescope is over the affairs of that planet. There is one line in the bill which constitutes a flickering spark of life to the commission. It shall make annually a report to Congress. It will not be long until that report will bear a piteous confession of helplessness and a plaintive appeal for power.

How far a cry is this commission from the pressing need of the hour—a strong Federal administrative commission with power to maintain permanent, active supervision over industrial corporations engaged in interstate commerce; a commission to stand guard over the public interest against the depredations of the enormous, secret, irresponsible industrial powers which infest the land; a commission with power to determine whether a monopoly in a given line exists and what is the basis of its monopoly, and the right to initiate action for its dissolution and power to see that the dissolution is carried out. This is the popular expectation of an interstate trade commission. In the Democratic measure offered here the public is doomed to bitter disappointment.

CATALOGING REASONABLE AND UNREASONABLE RESTRAINTS.

That is, there are at the present moment two roads open to the Nation in meeting the trust problem. One offers the old method of leaving to the overcrowded courts, unfitted for the business of administrative adjustments and bound by rigid statutory definitions of commercial rights and wrongs, the vast task of establishing rules of conduct for the larger business of the country by occasional decisions in particular cases which present questions not necessarily and very infrequently applicable to others. This inevitably will lead to a recurrence of our former experience. We will again travel in the hopeless circle. The courts, adjudicating particular cases under inflexible statutes, will forbid the form, and the Nation will helplessly witness the prohibited form pass away and the substance of the evil continue. As the courts fix definitions and apply prohibitions, the offending culprits will change the form of their offense and continue their wrongdoing. The pool, the earliest form of combi-

nation, was prohibited by the courts under the Sherman anti-trust law. The pool was dropped, and the trust was adopted. When the trust in its turn was placed under the ban, the trust was thrown overboard and the holding company devised; and as the day draws near when the holding company, under express provision of the law, must go, as this Democratic measure now before us ordains, the merger, the unification of the properties, will follow. And yet the evil of the pool, the trust, the holding company, and the merger are the same. The vice of this process is that each of the definitions, touching not the thing done but the manner in which it is done, is fixed only after years of litigation, and the public welfare suffers through the one element which seems certain—delay—the element most desired by the offending corporations and the most dreaded by its victims. Among the victims has been and is legitimate business, which has a right to demand freedom from confusion and uncertainty and annoyance. This freedom can not come from court processes. This has been clearly demonstrated by our experience with the interpretations of the Sherman antitrust law as rules of business conduct. The plain prohibition in the Sherman law, unmodified by the Supreme Court's interpretation, which prohibited every contract and combination in the form of trust or otherwise in restraint of trade as illegal, was not workable. It was within the experience of nearly every business man in the country that all combinations were not in restraint of trade. Tens of thousands of combinations in the ordinary run of business, forced by excessive and destructive competition, stood as proof, known of all men, that combination was not necessarily to the hurt of society, as tens of thousands of combinations demonstrated in increased efficiency, beneficial service to society. But the iron, unyielding letter of the law stood for 20 years in contradiction of universal practice, for the prevalent economic business necessity which compelled or induced partnerships and corporations overslaughed statutory ban. The great bulk of the business of the country, so far as the statute was concerned, was in a condition of open and more or less complacent outlawry. In the Oil and Tobacco cases the Supreme Court ended that era by reading a word into the statutes and deciding that only those contracts and combinations which were in "unreasonable" restraint of trade were illegal.

If legitimate business is now to wait for Congress to catalogue all that is reasonable or unreasonable restraint and for the courts to apply the definitions to all the new forms of combinations which business can and will invent, this device remaining as the one recourse for relief will be a sorry remedy for the chief problem of the Nation.

WHAT AN EXPERT TRADE COMMISSION COULD DO.

But if Congress will provide a strong administrative commission, armed with affirmative power, to meet the problems first-hand, without delay, within limits defined by Congress, and subject always to judicial review, there will come relief, certainty, and business freedom. This is the other road, the new road, offered to the Nation in the trust problem. It is not offered by the present halfway, hesitant Democratic measures now before us. It is offered in the Progressive measures which provide, in brief, for an interstate trade commission with, first, power to adduce facts; second, power to prevent unfair trade practices; third, power to destroy private monopoly.

Two general economic propositions are involved in this program—first, that full opportunity for natural competition must be preserved and small business must be protected from unfair trade practices, but that the arbitrary attempt to force an unnatural competition by law in the face of economic development will inevitably fail to benefit the community; second, that natural combination should be permitted, but that such combination must not be permitted to be a means to accomplish monopolistic control. That is, the Progressive proposition would give voluntary competition free play, but it would not artificially stimulate it at the expense of the community; would utilize the advantages of combination when it brought, through efficiency, benefit to society, but would halt and destroy it when it reached beyond the point of efficiency into monopolistic exploitation.

We would avail ourselves of the highest degree of commercial and industrial efficiency and end private monopoly.

The interstate trade commission proposed by the Progressives would be an expert body of men trained in the complexities of business, with plenary power to get at the facts. The commission, having investigated a corporation and having found it guilty of unfair trade practices, which are enumerated, and which consist of the advantage of discriminative transportation rates, rebates, discrimination in selling prices between localities and individuals, obtaining competitors' secrets by bribery, making oppressive exclusive contracts for the sale of articles over which the seller has a substantial monopoly, main-

taining agencies held out as independent, the use of interlocking directorates to destroy competition, could summon the offending corporations to appear before it and show cause why an order should not be issued by the commission restraining the concern from engaging in a designated form of unfair competition. If a corporation refused to obey such an order, the commission would invoke the aid of the United States court, and the court would enforce the orders of the commission. In event a corporation exercised substantially monopolistic power, and was not subject to the obligation of public service, and its monopoly did not rest upon unfair trade practices, but in control of the supply of raw material, or in transportation facilities, or in control of finances, or in any other conditions inherent in the character of the industry, including patent rights, then the Progressive interstate trade commission would issue an order to the corporation, specifying such changes in the concern as would promptly terminate that monopolistic power. In case such a corporation refused to comply, the commission could apply to the United States courts for the appointment of a supervisor, with powers of a receiver, to conduct the affairs of the offending corporation and enforce upon it the orders of the commission.

The Progressives' proposition divides the powerful dominating business organizations subject to correction into two classes—those which prosper through unfair practices and those whose control rests on natural causes. It provides correction and the end of monopolistic control for the one class, elimination for the other. The monopoly which holds control through wrongdoing shall be held to account for its sins, and shall cease those practices which give it control. The monopoly which has dominion, not through wrongdoing, but from control per se and from inherent conditions, must surrender that feature of organization, management, and conduct which gives it dominion.

THE NATURE OF MONOPOLIES.

This brings us to a consideration of monopoly; for, at bottom, the whole problem is that of monopoly. The people at the start sensed this.

Dean William Draper Lewis, of the University of Pennsylvania Law School, now the Progressive candidate for governor in Pennsylvania, who has brought his great powers of analysis and his deep learning to this subject, says:

Combination does not necessarily result in monopoly. Those who combine, even if they do so with the intent to exclude competition, to be successful must have a basis on which to rest their power other than their wealth or size, although it is true that a trust or monopoly always involves a combination, express or implied. It was, therefore, natural that the framers of the Sherman Antitrust Act believed that the dissolution of the trust would destroy the monopolistic power of those who controlled it. But our experience with that act indicates that all that is accomplished is the destruction of the existing form of combination. As those who have combined under the particular form of combination destroyed still collectively possess monopolistic power, they naturally recombine in a different form to reap the benefit of that power. Instead, therefore, of being directed toward the dissolution of the particular form of organization, legislation should be directed primarily to the removal of the basis on which the monopolistic power of the combination rests. Where this is discovered and removed, all motive for further combination with intent to monopolize ceases. Of course, where the particular form of combination is an essential element of the monopolistic power it should be dissolved.

The great majority of those people in the United States who concern themselves with political economy are flat-footedly against private industrial monopoly and against public industrial monopoly. And this downright antagonism does not deny that there has been in progress a great popular evolutionary broadening understanding of the matter. The American people have been given many definitions of monopoly, but they have not been led far afield from their first conceptions of the matter, and they hold it to-day. They have not confused form and substance. Monopoly is the power to determine price policy. The public has held to this definition tenaciously through every sort and degree of confusion. The pool, if it determined price policy—and it did—was a monopoly. The public so believed, and the public was right. The certificate-issuing "trust," which succeeded the pool, if it fixed price policy—and it did—was a monopoly. So was the community of interest. So was the holding company, which came next, and so is the complete merger. The chameleon changes in form did not alter the fact so far as the public is concerned.

The people have been frequently regaled with the solacing theory that this or that great corporation was held in leash by the competition of a considerable number of independents in the same line. But if the price policy of the independents was determined by the great corporation, no matter what the share of the trade it controlled, the public held it a monopoly. It was because of this tenacious popular capacity for adhering to fundamentals that the former proposition of the Democratic Party to fix upon a control of over 50 per cent of a given product to be proof of monopoly was rejected and has passed away as a measure of economic remedy. A corporation may control

but 30 or 40 per cent of a given product, yet if it fixes the price policy it will be a monopoly. A corporation may control an inappreciable amount of the finished product, or none at all, but if it controls the supply of an essential raw material, or the machinery essential to production so that it fixes price policy in the trade of the product, it is a monopoly.

PUBLIC DOES NOT CONFUSE MONOPOLY AND MAGNITUDE.

The public has never and is not now confusing monopoly and magnitude. But the public has been and is now primarily concerned with the practice of those corporations of magnitude which achieve monopoly. And in this distinction there has been a tremendous progress in the minds of those people in the country who arrive at conclusions independent of the limitations of court decisions or congressional debates. For most men who follow the current of economic problems have come to acknowledge that monopoly may be attained in two general ways:

First. By unfair trade practices.

Second. By possession of natural bases of control.

Through one or the other of these two instrumentalities monopolies are maintained. Whatever the device of unification of interests, whatever the form of combination, precedent to monopoly, the fact of monopoly inheres in one of these two elements. And the method of attack on the one kind of monopoly can not be used successfully as the method of attack on the other. The Progressive bills draw the line between the two, equally condemn both, but provide different methods of attack. The corporation which has created a monopoly through selling discrimination, the acceptance of rebates, and the other known or yet to be defined unfair practices, is ordered by the Progressive trade commission to desist from the condemned practices; if it refuse, the power of the court to compel it to desist is invoked. Few would resist the orders of a commission with plenary power. The corporation which has created a monopoly through its possession of natural bases of production, the supply of raw material, patent rights, control of finances, or any element against public policy is ordered, after investigation, by the Progressive trade commission to divorce from itself those elements which create the monopoly. If the corporation refuses to comply, the commission may apply to the courts to appoint a supervisor, who shall take charge of the concern and carry into effect the orders of the commission.

These clear definitions and adequate remedies are not automatic. They must have behind them power of initiation and enforcement. This power can be found only in a strong administrative trade commission. A purely investigative commission will grope and flounder. Hope of relief will therefore remain in the courts, unequipped for the business in hand. Relief will not come, and the day of remedy will again be thrown into the far future and its difficulties increased.

The purely investigative commission proposed here, as in the Covington bill, will not help. The courts can not. Why should not Congress, then, do the strong, helpful thing for the country? Why should it palter here, where every consideration calls for virile, courageous, adequately remedial legislation?

Such legislation was in the minds of those who framed this pledge in the Progressive national platform of 1912:

We urge the establishment of a strong Federal administrative commission of high standing, which shall maintain permanent active supervision over industrial corporations engaged in interstate commerce, or such of them as are of public importance, doing for them what the Government now does for the national banks, and what is now done for the railroads by the Interstate Commerce Commission. Such a commission must enforce the complete publicity of those corporation transactions which are of public interest; must attack unfair competition, false capitalization and special privilege, and by continuous trained watchfulness guard and keep open equally to all the highways of American commerce.

THE THREE PROGRESSIVE BILLS.

For it must be plain that the primary necessity in dealing with the great industrial corporations is to provide for an administrative body of quasi judicial powers competent to deal adequately with the complicated and perplexing questions arising out of unfair trade practices and private control of industry of such extent as to be a menace to the community.

Let me give in detail the provisions of the Progressive bills: The first Progressive bill (H. R. 9299) provides for the creation of an interstate trade commission, consisting of several members appointed by the President for terms of seven years each, one expiring every year. Each commissioner is to receive a salary of \$10,000, in order that men of requisite experience and capacity may be drafted into this service.

In order that the commission may not be swamped with the impossible task of even obtaining definite information concerning the condition of the myriad small businesses in the Nation its jurisdiction is limited to those corporations or associations whose gross annual receipts from business within the United States exceed \$3,000,000, excluding from the jurisdiction those

corporations coming within the jurisdiction of the Interstate Commerce Commission.

For the handling of any problem the first requirement is definite information and an assurance of continuing means for acquiring such information. The first power and duty, therefore, to be conferred upon the Interstate Trade Commission is to obtain from the concerns subject to it complete information as to their "organization, conduct, management, security holders, financial condition, and business transactions," and to require from such concerns "complete access at all reasonable times to their records, books, accounts, minutes, papers, and all other documents, and including the records of any of their executive or other committees." In addition to this, power is given the committee to require uniform and comparable methods of accounting, in order that the statistics prepared by the commission may be effectively intelligible.

When the commission itself is adequately informed, the second obvious need is that the public shall be likewise enlightened, and therefore the commission is empowered to criticize and make public for the advancement of fair, honest, and efficient business "all cases of material overcapitalization, unfair competition, misrepresentation, or oppressive use of credit."

In view of the numerous difficulties in enforcing decrees of dissolution entered under the Sherman Act, an incidental power given to the commission is to assist a court having this responsibility which cares to utilize the aid of the commission.

It has been an unfortunate defect in much well-intentioned legislation that commissions created have been endowed with such feeble powers as to be practically useless. The Interstate Trade Commission therefore has been given plenary powers to accomplish the purposes not only of the first progressive bill but of the second and third bills and any additional legislation. The commission is empowered to compel the attendance and testimony of witnesses and the production of all documents needed for its investigations, and the aid of the district courts of the United States may be invoked in compelling obedience to its orders. These powers are most elaborately worked out in this bill.

The first Progressive bill, therefore, creates a commission with the power to sweep away from illegitimate business the protections of secrecy, to develop facts, and to act upon them.

THE POWER TO PROTECT FROM UNFAIR PRACTICES.

The great work before the Interstate Trade Commission, after it has adequately informed itself concerning the conditions with which it must deal, and after business enterprises and the public have been shown where wrongdoing exists, is to protect the smaller, weaker business organizations from the oppressive and unfair competition of their more powerful rivals. The second Progressive bill, therefore, begins with the declaration "that unfair or oppressive competition in commerce among the several States and with foreign nations, as hereinafter defined, is hereby declared to be unlawful." The act then proceeds to enumerate various unfair business practices. But it should be noted that the term "unfair competition" is in a large measure self-defined. The courts have defined, in great variation and elaboration, numerous business dealings as "unfair competition." There is that in the common sense of fairness and right dealing which indicates plainly the distinction between close bargaining and oppression—between "pulling" of goods and fraudulent misrepresentation. The developing moral sense in the community adds constantly to the number of outlawed business practices. Therefore the commission should be so empowered that it may apply the accepted standards of honorable business to the enterprises within its jurisdiction. In section 3 of the second Progressive bill certain business practices are definitely condemned. "The acceptance or procurement of rates or terms of service from common carriers not granted to other shippers under like conditions"; the acceptance or procurement of rates or terms of service declared unlawful by the Elkins Act; arbitrary discrimination in selling prices between localities or individuals; obtaining secrets of competitors by bribery and like means or procuring dishonest conduct by employees of competitors; making oppressive exclusive contracts for the sale of articles over which the seller has a substantial monopoly; maintaining secret subsidiaries or agencies held out as independent; and, finally, "any other business practices involving unfair or oppressive competition."

Having established what are unfair trade practices, the Interstate Trade Commission is given the power to summon a corporation or association to appear before it and show cause why an order should not be issued by the commission restraining the concern from engaging in a designated form of unfair competition. If a corporation refuses to obey such an order the commission is empowered to invoke the aid of a district court of the United States, and the court authorized to enforce the orders

of the commission by injunction or, in case of violation of injunction, to restrain the offender from engaging in interstate commerce. By this means the corporation is placed on an equal footing with the wrongdoing individual, who may be confined and restrained from engaging in business as a penalty for his failure to obey the law.

THE EFFECTUAL WAY TO BREAK UP MONOPOLY.

In the Third Progressive bill the jurisdiction of the Interstate Trade Commission is enlarged in order that it may give adequate protection to commerce against monopoly. The commission is empowered and directed upon its own initiative or upon complaint to investigate any corporation or association subject to its jurisdiction to determine whether or not such concern exercises "substantially monopolistic power."

In the second section it is provided that a corporation or association—

shall be regarded as exercising a "substantially monopolistic power" whenever such corporation or association not being subject to the obligation of public service in the given industry exercises control over a sufficient portion of such industry or over sufficient factors therein to determine the price policy in that industry, either as to raw materials or finished or partly finished products.

Such power is thereupon declared to be contrary to public policy.

In arriving at this definition the ablest authorities on economic and commercial problems have been consulted and the ripest wisdom of the time, so far as obtainable, has been brought to bear upon this important question.

Donald R. Richberg, of Chicago, a student of note on this subject, has said:

The crux of monopoly is the ability to determine price policy. With this ability not present there can be no real monopoly. If this ability is present, monopolistic power is found. The only exception should be made in what has been phrased "the obligation of public service." There are those concerns wherein certain forms of competition mean expense and discomfort to the public. Unmistakably is this true in the matter of telephones. In like manner in fields outside that of public service the best interests of the community may demand a single service rather than competing enterprises, but only coincident with the recognition of the obligation of public service. In other words, if the natural force of competition makes the producer or the distributor responsive to the needs of the community, the community will be adequately served. In the absence of the corrective of this force there must be an equally powerful force requiring service to the community. The obligations imposed on the common carrier point the way plainly. Any enterprise to which the community must look for service must be dedicated to public service. The very term private enterprise indicates that it is not a matter of community concern. If one private individual does not satisfy, another will take his place. But when that private enterprise becomes a necessity to the community the public need inevitably makes it subject to a public obligation. The power to determine price policy is the power of monopoly, but when the price policy is subject to a public obligation there is ipso facto no private power to determine it, and therefore no monopolistic power. The two are irreconcilable. There is no regulation of monopoly, for example, in any strict and honest sense in the power exercised by the Interstate Commerce Commission over common carriers. A railroad may be the only line of transportation between two cities, but it does not exercise monopolistic power so long as it can not determine the price policy upon which its transportation rates are fixed. The tendency of private business to remain private will inevitably restrict most business expansion inside the line where a private business becomes public. Therefore if by law it is provided that the mere fact that the growth of an enterprise to proportions comparable to monopoly will mean the assumption of public responsibilities, that law will necessarily operate to check automatically the ambitions of capitalists of industry to enlarge their fields of operation beyond the limits where they may still control their own enterprises. The imposition upon apparently monopolistic power or the responsibilities properly incident thereto will deter purely selfishly ambitious capitalists from the acquisition of such power far more effectively than the mere taboo of a civil or criminal law.

Having determined upon what that monopolistic power is which is hostile to the best interests of business, it becomes the duty of the commission proposed in the Progressive bills upon making an investigation to determine the existence of such monopolistic power—to find out whether the alleged power is based upon what are termed artificial or natural causes. Artificial causes for the purposes of the third Progressive bill are defined as those acts of unfair competition which are set forth in the second bill and here repeated. The duty of the commission upon finding an antipublic power, based upon unfair trade practices, is plainly to enforce the provisions of the second bill. But the commission may find that the alleged monopolistic power is based upon the so-called natural causes which, for the purposes of the bill, are defined as—

- AA. Control of natural resources.
- BB. Control of terminal or transportation facilities.
- CC. Control of financial resources.
- DD. Any other economic condition inherent in the character of the industry.

(The fact that in the conduct of an industry it is necessary to use certain patented articles conferring an inevitable monopoly would be classed under DD.)

If the commission shall find that a corporation or association exercises "substantially monopolistic power" based not on wrongdoing but on the so-called natural causes defined, it is made the duty of the commission to issue an order to the concern, specifying "such changes in the organization, conduct, or management of its property and business, as, in the opinion of the commission, will most effectively and promptly terminate such monopolistic power, while at the same time safeguarding property rights and business efficiency."

THE PROVISION FOR SUPERVISORS.

It is to be trusted that a careful reading of this provision may silence the false tongues that continually clamor about the Progressive Party as standing for the acceptance of monopoly. Not only is no such doctrine put forth in this bill, but also the bill does not content itself with mere denunciation or taboo for all monopoly. A definite intelligent means is provided for dealing with monopolistic power and terminating its existence. If a corporation or association refuses to comply with the order of the commission, the commission is not left helpless, nor is the whole problem foolishly cast upon the overburdened shoulders of a judiciary hopelessly unfitted to deal with it.

In section 6 it is provided that when a corporation or association refuses to comply with the order of the commission specifying the necessary changes to terminate monopolistic power, the commission may apply to a district court of the United States "for the appointment of a supervisor or supervisors of such corporation or association, and it shall be the duty of such court upon such request by the commission to appoint for a limited time such supervisor or supervisors for such corporation or association, and to give such supervisors such powers as are usually granted to receivers and full power of such direction and control over the organization, conduct, and management of such corporations as shall be best fitted to carry into effect the order of the commission."

Following this procedure the supervisors report to the commission regarding the organization and business effected, and are granted the power to carry out the further order of the commission in order that the commission may be intimately informed as to the best methods for terminating the monopolistic power involved, and in order that in the meantime the business may be run for the benefit of the investor and the community alike. When a definite plan has been worked out whereby the corporation may be restored completely to its private ownership under terms guaranteeing the protection of commerce, the court may in terminating the supervisory control "in order to insure the permanency of competitive conditions include in its decree a provision submitting the supervised corporation or association and its business or any part thereof to the supervision or direction of the commission for such time and in such manner as said court shall fix."

THE STANDARDS OF FAIR BUSINESS.

It may be that the solution of a particular question involved in the acquisition of monopolistic power will be the separation of one factor of the business, establishing either its independence or its subjection to the obligation of public service. It may be that the solution will be the separation of a concern into two or more parts which will necessarily be responsive to natural competition. It may be merely a change in an administrative form of management, such as the breaking up of an interlocking "trust" or some similar purely mechanical change. These are not questions to which the answers can be worked out in advance in a law. These are properly matters of administration. No set rule can be nor should be laid down. The standards of fair business, the standards of safe business, should be prescribed by the law of the land, and it should be made the duty of an executive body of adequate power and prestige to enforce such standards without fear and without favor and with dispatch.

Upon such a solution the country waits. Every consideration of public welfare calls for its consummation with dispatch. Every hesitant, halting, half step which stops short of this solution is deplorable and indefensible. [Applause.]

Mr. HUMPHREY of Washington. Mr. Chairman, I was going to make a point of order that there is no quorum present, but I will withdraw it now. There are only 16 Democrats present, and only 16 have been present during the delivery of this speech, and I just wanted the RECORD to show that.

Mr. ADAMSON. Mr. Chairman, I hope the gentleman will not make a point of order.

Mr. HUMPHREY of Washington. I have withdrawn it.

Mr. ADAMSON. I do not care what remarks the gentleman makes, so long as he withdraws the point of order.

Mr. DONOVAN. Mr. Chairman, I want to make a parliamentary inquiry.

Mr. ADAMSON. I yield to my friend from Connecticut to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DONOVAN. I want to show, Mr. Chairman, that this great volume of business has been dominated by the gentleman from Illinois [Mr. MANN], and yet he is not present, and practically none of them is present except one.

Mr. ADAMSON. Mr. Chairman, I can not yield to the gentleman for that purpose. The gentleman from Illinois has a good and sufficient reason for his absence, and we understand it.

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing a resolution of the Legislature of Rhode Island in support of another bill—the coast guard bill.

The CHAIRMAN. The gentleman from Georgia [Mr. ADAMSON] asks unanimous consent to extend his remarks in the RECORD by printing the resolution indicated. Is there objection?

There was no objection.

Mr. ADAMSON. Mr. Chairman, I yield to the gentleman from New York [Mr. TALCOTT].

The CHAIRMAN. The gentleman from New York [Mr. TALCOTT] is recognized.

Mr. TALCOTT of New York. Mr. Chairman, while there have been attempts to question the expediency of the pending legislation, they have proceeded either from a misconception of the purpose of the bill or a disregard of conditions which render its enactment a necessity. Such measures do not proceed from mere legislative initiative; there is a period preceding legislative action when public discussion forms public opinion and when the issues are more clearly defined and the subject more completely understood. This was the case when the act to regulate commerce was passed. There had been discussion for years. Many expedients had been attempted. But at last the matter came before Congress for action as a necessity. The enactment of the law followed, rather modest in its provisions, but they have been extended so as to embrace almost the whole field of transportation regulation. Hearings have been held in relation to the subject of an interstate trade commission by committees of the Senate and the House, it has been discussed before public bodies and in the press, and the public demand as well as the public necessity for such a measure can hardly be questioned.

Then there are those who say that the bill does not go far enough. Some would give judicial functions to the commission, but the committee believed that the provisions of the bill deal effectively with trade practices through publicity. The great mass of the business men of this country are straight and honest, and this bill is for their protection. Success in business rests on credit, upon the confidence of the people of a community in the fairness of a dealer. Unfair practices can not stand publicity, and it should prove an effective instrument for their removal. When we deal with the commerce of the country we are dealing with a very sensitive and highly organized process of our national life. It is not the purpose to put a ban upon legitimate business or to embarrass and injure it. It is believed that legitimate business will be advanced and aided by the suppression of illegitimate and unfair practices. Great changes have taken place in the organization and methods of business, not only by reason of growth, but also by reason of the complexity of its details and the widening field of activity. Rules and standards which prevailed are found inadequate.

The commission, by the information which it can give, will make present conditions known and honest business men will conform their practices and methods to them, and those who pursue methods and practices of another kind will find that the disclosures of the commission will render unfair dealing much more difficult and much less profitable. It can not be disputed that unfair practices and dishonest methods in business are economically wasteful. The intelligent man of business knows this to be so. But he is entitled to know the practices that are pursued, and it is possible for only a very few of the largest establishments to obtain the information that all should possess. This commission will render a large amount of information accessible, not only information of practices, but information of business methods as well. So the publicity provided by this bill should increase efficiency in production and distribution. It is not wise to be satisfied with conditions as they exist. With increasing population there are new conditions; there is no longer a frontier; the public land has been practically exhausted for several years; and for increased production reliance must be placed upon new and better methods. If there is to be progress, there must be increasing efficiency. In a social organization as vast and complex as ours, with a people whose restless energy has given the power of wonderful achievement, honest and efficient methods become a vital element in commerce. This bill will furnish an instrument by

which the business men of the country can be informed of the matters concerning which information is most needed and often most difficult to obtain. For the purpose of obtaining publicity it is provided that all the powers, authority, and duties of the Bureau of Corporations are vested in the commission; but one change should be noted, and that is that while only so much of the information obtained by the Bureau of Corporations in its investigations as the President directs shall be made public, by this bill it is provided that the information obtained by the commission may be made public in the discretion of the commission. So in the exercise of its other powers information which the commission is not directed to make public may be made public in its discretion. Wide as the field of business is in this country, the scope of this bill is such that all facts of vital importance, except those relating to transportation, can be made known through the commission which it creates.

The investigations conducted by the commission under sections 3 and 9 of the bill will undoubtedly disclose facts relating to monopolies, and section 10 authorizes the commission upon the direction of the President, the Attorney General, or either House of Congress to investigate and report the facts relating to any alleged violations of the antitrust acts by any corporation. In many cases the public knowledge of the facts will destroy the evils. Monopolies have few supporters now outside those interested in them and the Socialists who see in the establishment of monopoly a long step toward the Government operation of industries. It is not to be taken for granted, however, that the brutal methods which in many cases have accompanied the creation of monopolies will be easily or quickly removed. But these powers of the commission will render it a ready and powerful instrument in accomplishing the result so earnestly desired.

In the enforcement of the antitrust laws one of the chief difficulties encountered has been the preparation of a decree which will effectually destroy the monopoly after it has been found by the court to exist. It is very often a matter requiring the most patient and careful investigation, involving not only the exercise of judicial powers but of trained administrative skill as well. And it is provided that in any suit in equity brought by the Attorney General under the antitrust acts the court may, upon the conclusion of the testimony, if then of the opinion that the complainant is entitled to relief, refer the suit to the commission to ascertain and report an appropriate form of decree, which the court may adopt or reject, in whole or in part, as in the case of the report of a master in equity causes, and may enter such decree as the nature of the case may in its judgment require. So that in the commission the courts will be furnished with a means of ascertaining and collecting the very matters of information which by the usual methods of legal procedure they may be unable to obtain.

I think the gentleman from Kansas [Mr. MURDOCK] will recognize the fact that if this power had been possessed by a commission organized as this commission will be before the decree in the Standard Oil case was framed, the results of that case would have been far different, and that there would have been an actual dissolution of that monopoly in every one of its parts. But the aid to be furnished by the commission will not end with its report of an appropriate form of decree when requested by a court. Whenever a final decree has been entered against any defendant corporation in any suit brought by the United States to prevent and restrain any violation of the antitrust acts, the commission shall have power, and it shall be its duty, upon its own initiative or upon the application of the Attorney General, to make investigation of the manner in which the decree has been or is being carried out. It shall transmit to the Attorney General a report embodying its findings as a result of any such investigation, and the report shall be made public in the discretion of the commission. This provision assures the people of this country that every decree dissolving an unlawful combination will be observed. There will be a sentry always on guard.

Those who say that this bill does not go far enough must realize that there is such a thing as going too far. It is possible to load the commission with powers that it can not exercise, to introduce questions of constitutional construction which may render the measure invalid in whole or in part. This bill, if passed, establishes an interstate trade commission, and that body in administering the provisions of the law will ascertain what further powers are required and the manner in which they can best be exercised. It is undoubtedly true that from time to time the jurisdiction of the commission will be enlarged, but it should be done gradually, when the work of the commission proves it necessary. In my opinion this bill should prove a great aid to the business men of the country in removing unfair

practices, in extending knowledge of business methods, producing greater efficiency in production and distribution. I believe, too, it will prove a powerful ally to the courts in the enforcement of the antitrust laws, making effective the provisions of those laws and rendering the judgments of the courts more difficult to evade. [Applause.]

Mr. ADAMSON. Mr. Chairman, does the gentleman from Minnesota wish to use some time?

Mr. STEVENS of Minnesota. Yes. I will yield three minutes to the gentleman from Nebraska [Mr. SLOAN].

Mr. ADAMSON. I will say to the gentleman from Minnesota that I shall have but one more speech, so that he can use all of his time.

The CHAIRMAN. The gentleman from Nebraska [Mr. SLOAN] is recognized for three minutes.

Mr. SLOAN. Mr. Chairman, quite recently a discussion has arisen concerning the proposed purchase of foreign bunting for the purpose of making our national flags for our Navy. Be it said to the credit of that department that if the project was ever contemplated it is now considered to be thrown aside.

Some of us have very fixed notions and sentiments as to who should salute our flag and as to whom should be invited or required to so salute. Under any circumstances any unusual reference to the national flag calls out a jealous question or criticism. Bills have recently been introduced in this House providing for a change or a rearrangement of the constellation of stars in the field of blue from that which has obtained during the last century. These bills have called out the protest of a patriotic organization in my district, as follows:

AURORA, NEBR., May 6, 1914.

CHARLES H. SLOAN, M. C.

DEAR SIR: Jack Chandler Woman's Relief Corps, of Aurora, Nebr., present a memorial and desire to have it read to the Sixty-third Congress of the United States:

"Whereas certain bills have been introduced in the Senate and House for a change in the United States flag:

"We, the officers and members of the Woman's Relief Corps, at a meeting held May 6, 1914, by unanimous vote, do most earnestly protest against any change whatever in our flag that our soldiers imperiled their lives to preserve, and which is known to all nations as the emblem of liberty and equality."

Respectfully,

SARAH FAITH, President.
ELLA F. ELASTON, Secretary.

[Applause.]

Mr. STEVENS of Minnesota. Mr. Chairman, I yield the remainder of my time to the gentleman from Ohio [Mr. WILLIS].

The CHAIRMAN. The gentleman from Ohio [Mr. WILLIS] is recognized for 22 minutes.

Mr. WILLIS. Mr. Chairman, I do not know whether I shall use all of the 22 minutes that the gentleman from Minnesota has so generously allotted to me. At the beginning I want to say this, that while I agree with my friend from Kansas [Mr. MURDOCK] in many matters of legislation I do not share the fears that are, apparently, entertained by the gentleman relative to the inefficiency of this proposed law. I am not entirely satisfied with it. There are some things that I should like to have had otherwise; but, in my judgment, this law will be productive of much good. It will not prove to be inefficient; and if it comes to a vote in anything like the form in which it now exists it will receive my support.

It is a very curious thing that those who are opposed to this bill base their opposition upon such contrary grounds. I understood the gentleman from Kansas [Mr. MURDOCK] to be somewhat opposed to the measure because he did not think it gave to the commission power enough. I have before me a circular, a copy of which, I suppose, was sent to every Member of the House, in which the bill is criticized, not because it does not give anyone power enough, not because it does not vest sufficient power in the commission, but because it vests too much power in the commission.

The bill is criticized because, under its terms, it is proposed that this commission shall not be subject to the Commissioner of Corporations or to the head of the Department of Commerce, or even to the President. The bill is criticized because the authors of it have made an attempt to make this commission an independent body, responsible only to the American people. I am frank to say that, in my judgment, that is one of the reasons why this bill is to be commended—because it contemplates the creation of a commission that shall not be subject to anybody in the Government, but shall be subject only to the people of the United States. I hope and believe that if this bill shall be enacted into law it will not be possible to have such a situation as to corporate control and political management as we find at present.

I was just examining a copy of the Congressional Directory, and I find in that Congressional Directory that the present United States Commissioner of Corporations is Hon. Joseph E.

Davies. I do not mean to suggest any criticism of that official of the Government or to make any comment whatsoever on the way in which he is discharging his duties, but I am simply calling attention to a peculiar situation. The head of the Bureau of Corporations is the Hon. Joseph E. Davies. I hold in my hand a copy of the World Almanac for the year 1914. At page 509 I find a list of the members of the Democratic national committee: Chairman, Hon. William F. McCombs, of New York City; secretary, Joseph E. Davies, of Madison, Wis. I do not know personally whether the Joseph E. Davies whose name appears here as Commissioner of Corporations is the same Joseph E. Davies whose name appears as secretary of the Democratic national committee; I am not fully posted in that regard.

Mr. FESS. Will the gentleman yield?

Mr. WILLIS. I yield to my colleague.

Mr. FESS. I am posted on that subject. He is the same person.

Mr. WILLIS. I rather assumed that he was. In fact, it is a matter of common information that he is the same person. I am not criticizing anybody about that, although it is rather an unfortunate situation, it seems to me; but I am saying that the object of this bill is to create a body, a commission, an organization that shall not be under political domination or control, and that there shall not be the probability or possibility of such a thing. It seems to me that is a commendable feature of the bill—the idea that this commission is to be entirely separate and apart from any existing department of the Government, not subject to the orders of the President, not compelled to report to the President or to the Secretary of Commerce.

Mr. GOOD. Will the gentleman yield?

Mr. WILLIS. Yes.

Mr. GOOD. What will prevent the President appointing Mr. Davies as a member of this commission?

Mr. MADDEN. He would be only one of three then.

Mr. WILLIS. I can not conceive of the present Chief Executive, or any other President of the United States, doing such a thing as that. After the discussion that has been had upon this bill, after the country had been made to understand that the specific purpose of this legislation is to create a body that should be entirely outside of political control, I do not think that will be done. At any rate, no person would be appointed to membership on the interstate trade commission and at the same time be allowed to serve as an official of any political campaign committee; such an act would be shocking and almost inconceivable to those who believe that our courts and administrative officials should be entirely free from political domination.

Mr. GOODWIN of Arkansas. Will the gentleman yield?

Mr. WILLIS. I yield to my friend.

Mr. GOODWIN of Arkansas. Does the gentleman recall the fact that when Mr. Roosevelt was a candidate for reelection Mr. Cortelyou was made chairman of the Republican national committee, and was at the same time Secretary of Commerce?

Mr. WILLIS. My recollection is that became a matter of discussion and criticism; but, speaking as a friend of this bill, I think it is a poor defense for gentlemen upon that side to refer to such a condition as that. I am in favor of this bill, notwithstanding the condition that the gentleman has referred to. I do not believe that thing will be done under this bill. I do not believe any President would appoint a person high in the councils of a political organization to membership on this interstate trade commission.

Mr. Chairman. In the deliberations of this committee, without unduly disclosing any committee secrets, I wish to say that no reference is ever made to politics. This bill was drawn without reference to political considerations of any kind whatsoever. Republicans and Democrats and the Progressive member all cooperated together to prepare this legislation.

In this connection it is only fair to state that while the Republican members of the Committee on Interstate and Foreign Commerce are not entirely satisfied with the provisions of this bill, and are of the opinion that experience will demonstrate the need of carefully added powers, nevertheless they express their general concurrence in the principles involved in the bill in the following language from the minority report, signed by all the Republican members:

The Republican members on the committee realized the great interest in it by the business organizations and thoughtful citizens interested in the public welfare, as well as its consequence and opportunity for good to the people of the country. Thus its consideration has proceeded with a sincere desire on our part to assist in the preparation of the legislation along the lines which would seem to meet both the public expectations and necessities, and yet not be oppressive so as to injure individual effort and initiative.

The majority members of the committee have freely conferred with the members of the minority and have received their cordial cooperation in the formation of this measure. The legislation as reported is such in general as we approve, although individual differences neces-

sarily exist as to the wisdom and scope of some of its provisions and details.

This measure follows substantially the declaration of the last platform of the Republican national convention as follows:

"FEDERAL TRADE COMMISSION.

"In the enforcement and administration of Federal laws governing interstate commerce and enterprises impressed with a public use engaged therein, there is much that may be committed to a Federal trade commission, thus placing in the hands of an administrative board many of the functions now necessarily exercised by the courts. This will promote promptness in the administration of the laws and avoid delays and technicalities incident to court procedure."

In some respects this bill has not the scope outlined in the platform in conferring administrative powers over some classes of business. But we feel that such should be gradually evolved and assumed after more extensive experience and discussion.

The reported measure does not transfer to the commission any function now exercised by the courts, but will be of assistance to the courts in the enforcement of the laws regulating commerce.

In this pamphlet of criticism to which I referred just a little while ago it was said that no hearings were held upon this bill. In the Committee on Interstate and Foreign Commerce we do not hold hearings upon bills. We hold hearings upon subjects. We had hearings day after day, and I think I may safely say week after week, on the subject of the creation of a trade commission. We had some trouble in getting the gentlemen who were testifying to confine their remarks to that subject, but the chairman finally succeeded in doing it. We had hearings upon the subject of the creation of a trade commission, not upon this specific bill or any other bill, but upon that general subject. We collected information from every source from which we could get it, and I, as a Republican member of that committee, felt that in presenting this bill to the House we were doing something which would not only meet with the approval of the level-headed, conservative business men of this country, that we were preparing a bill which would be of benefit to the people of the United States, but at the same time I felt that we had ample political precedent and political authority for such action.

The fact is that, with the exception of the Democratic Party, practically all the political parties in the last campaign in their platforms specifically provided for some such legislation as this. I do not recall anything in the Democratic platform on the subject of the creation of a trade commission. I do recall that in the Progressive platform that idea was indorsed, and I have before me the provisions of the Republican platform on the subject of a Federal trade commission. Here is what the Republican platform said:

In the enforcement and administration of Federal laws governing interstate commerce and enterprises impressed with a public use engaged therein there is much that may be committed to a Federal trade commission thus placing in the hands of an administrative board many of the functions now necessarily exercised by the courts. This will promote promptness in the administration of the laws and avoid delays and technicalities incident to court procedure.

Consequently I believe that in taking up this legislation we are proceeding under very excellent political authority. As I said when I began, there are some provisions of this bill that do not meet with my approval, and I find one of those provisions in section 2, which, among other things, fixes the salaries of the commissioners, and then goes on and says that this commission shall have the authority to employ and fix the compensation of such other officials, clerks, and employees as it may find necessary for the proper performance of its duties and as may from time to time be appropriated for by Congress.

I recognize, Mr. Chairman, that in the creation of a new department, or a new commission, or a new bureau, it is not always possible in advance to say just what clerical assistance will be needed; but I do believe that in this case it would have been better to have made the effort, at least. I do not believe in the principle, either in State or in national legislation, of creating an office and then allowing the head of that office to appoint whomsoever he pleases, at whatsoever compensation he may fix. I believe it is unwise legislation to do so, and that it tends to build up an autocratic bureaucracy not responsible to the people. I think we ought not to encourage the system of lump-sum appropriations; I believe that in this case we might have done as we did when the Children's Bureau was created. In that case we undertook to provide, so far as we could, what help should be employed; that there should be so many clerks of this class and that class, at salaries fixed by law. We undertook to be specific. But in this section here we do not do that. We unwisely leave to the commission the power of appointing whatever officers and employees it pleases, at salaries to be fixed by the appointing power. The number and class of employees and the salaries they are to receive should be definitely fixed by law.

In that connection it might be interesting to know what Thomas Jefferson, who is sometimes quoted by our friends on the other side—quoted, but frequently forgotten—had to say

on the subject of lump-sum appropriations, which, of course, must necessarily come if we pass the bill in its present form. Here is what he said in his first annual message:

In our care of the public contributions intrusted to our direction it would be prudent to multiply barriers against their dissipation by appropriating specific sums to every specific purpose susceptible to definition: by disallowing all applications of money varying from the appropriation in object or transcending it in amount; by reducing the field of contingencies and thereby circumscribing discretionary powers over money where the examinations may be prompt, efficacious, and uniform.

In other words, it was laid down by Thomas Jefferson, and has been followed in most cases by the Governments of this country—State and national—that so far as possible appropriations should be specific. I believe that we should have gone further than we did go in this bill in undertaking to say what force should be provided for the use of this commission and what salaries they should receive.

To those who think this commission does not have sufficient power let me say that if they will read sections 8 and 9 of the bill and consider carefully the provisions therein outlined they will be convinced that this commission has great power. Section 8 provides that the commission from time to time may make rules and regulations and classifications of corporations for the purpose of carrying out the provision of the act.

Section 9 provides that all corporations engaged in commerce, as defined in the act, with a capital in excess of \$5,000,000, shall make certain reports and shall furnish to the commission certain information. That means a statement of the normal facts that the people of the country are entitled to have and which no corporation doing a legitimate business ought to object to giving for public information. What are some of these facts? The records of its organization, the bondholders, the stockholders, the financial condition, and also such information, statements, and records of its relations to other corporations and its business and practices while engaged in commerce as the commission may require. That information is to be obtained not simply from corporations engaged in interstate commerce or in commerce as defined under the provisions of this act—not simply those corporations with a capital in excess of \$5,000,000, but also corporations engaged in interstate commerce with a capital less than \$5,000,000, provided they come within the classification established by the commission. What is the purpose of that provision? It is perfectly evident that there might be a corporation that was engaged in monopolistic practices that still would not have a capital stock of \$5,000,000.

This commission, through the power vested in it under section 8, has the power to classify and to require those corporations to make reports. Oh, but, some gentleman says, "That is all there is to it; they simply make reports; they simply give information that does not amount to anything." I invite the attention of Members of the House to the fact that every publicist who has investigated this question, every man, so far as I know, who has written upon the subject of our industrial relations and the corporation question, has insisted that the most potent and available remedy is publicity. If we want to improve the conditions in a city, the best way to do it is not to hire more policemen, not to attach more severe penalties to the commission of certain offenses, but to give that city more light, to provide better lighting facilities; and it is the same way with great corporations in the industrial world. Turn on the light of publicity. Give the public the facts. That is the project that is contemplated in this section here, and I think it will be productive of much good. The subcommittee, made up of Democrats and Republicans, who drafted this bill and who wrote the wise provisions of this section are entitled to great credit. The portion of section 9 referred to is as follows:

SEC. 9. That every corporation engaged in commerce, excepting corporations subject to the acts to regulate commerce, which, by itself or with one or more other corporations owned, operated, controlled, or organized in conjunction with it so as to constitute substantially a business unit, has a capital of not less than \$5,000,000, or, having a less capital, belongs to a class of corporations which the commission may designate, shall furnish to the commission annually such information, statements, and records of its organization, bondholders and stockholders, and financial condition, and also such information, statements, and records of its relation to other corporations and its business and practices while engaged in commerce as the commission shall require; and to enable it the better to carry out the purposes of this act the commission may prescribe as near as may be a uniform system of annual reports. The said annual reports shall contain all the required information and statistics for the period of 12 months ending with the fiscal year of each corporation's report, and they shall be made out under oath or otherwise, in the discretion of the commission, and filed with the commission at its office in Washington within three months after the close of the year for which the report is made, unless additional time be granted in any case by the commission. The commission may also require such special reports as it may deem advisable.

Another section to which I wish to call attention is section 10, which is in full as follows:

SEC. 10. That upon the direction of the President, the Attorney General, or either House of Congress the commission shall investigate and

report the facts relating to any alleged violations of the antitrust acts by any corporation. The report of the commission may include recommendations for readjustment of business in order that the corporation investigated may thereafter maintain its organization, management, and conduct of business in accordance with law. Reports made after investigation under this section may be made public at the discretion of the commission.

For the purpose of prosecuting any investigation or proceeding authorized by this section the commission, or its duly authorized agent or agents, shall at all reasonable times have access to, for the purpose of examination, and the right to copy any documentary evidence of any corporation being investigated or proceeded against.

This is the section which authorizes this commission to investigate and report on the facts relating to any alleged violation of the antitrust act. This may be done by direction of the President, by direction of the Attorney General, or at the direction of either House of Congress; it should be noted that the information so obtained is to be made public at the discretion of the commission. No commissioner of corporations, no officer who is responsible to the President or who is responsible to any Cabinet officer or to any political campaign committee has the power to say whether or not these facts should be made public. These facts can not be used in a fat-frying program. These facts are for the benefit of the people. They are to be given to the public at the discretion of the interstate trade commission. I think that is a wise provision, because it makes this interstate trade commission absolutely independent of any exterior authority in that regard. And the same provision occurs in section 13, in which it is again provided that the facts that are to be ascertained under the investigations outlined in that section shall be made public at the discretion of the commission. Then, further, in section 17, there is a provision for an elaborate annual report, and still the business men and the corporations of the country are properly protected in their rights. No trade secrets can be disclosed in this report.

It can not be said that there is an inquisition, that facts are to be obtained, and that then these facts are given out in such a way as to enable business competitors to use them. That is distinctly provided against in the following language in section 17:

Provided, That no trade secrets or private lists of customers shall be embraced in any such abstract.

So I say, Mr. Chairman, in conclusion, that while I am not entirely satisfied with all the provisions of this bill, while I do not think it is a strict compliance with the terms of the Republican platform, I do say that it is drawn along those lines, and I compliment the members of the subcommittee, Republicans and Democrats, upon the fact that they disregarded political considerations in the drafting of the bill. I especially compliment the Democrats that they ignored the fact that their own platform did not say anything about this and took the Republican platform as their guide. While I am not entirely satisfied with the work, I believe that it is a step in the right direction; I believe that it will accomplish much of good; and as the years go by and it becomes apparent from experience that the interstate trade commission should be strengthened in this direction or in that, that it should be given additional powers, then these powers can be granted and the necessary amendments made, and we shall witness, I predict, in this country, growing out of this apparently humble legislation, the development of a great power for good in the protection of honest business and the encouragement of legitimate enterprise like unto that which we have seen in the powerful, beneficent, and incorruptible Interstate Commerce Commission, which is the pride of American jurisprudence and the guardian of the people's rights. [Applause.]

Mr. STEVENS of Minnesota. Mr. Chairman, is all of my time exhausted?

The CHAIRMAN (Mr. FOWLER). The gentleman from Minnesota has exhausted his time.

Mr. ADAMSON. Mr. Chairman, I yield first to the gentleman from Wisconsin [Mr. REILLY].

Mr. REILLY of Wisconsin. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record on the pending bill.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ADAMSON. Mr. Chairman, I yield now so much of the remaining time to the gentleman from Virginia [Mr. MONTAGUE] as he may care to use.

Mr. MONTAGUE. Mr. Chairman, the gentleman from Ohio [Mr. WILLIS] has just stated that this bill does not in its entirety meet his approval. We all must confess what is a serious difficulty in legislation, namely, that it is a result of an accommodation of ideas, certainly to those who seek to adjust their views to a common purpose. Reconciliation of divergent and conflicting views is the great task of parliaments.

Mr. Chairman, the genius of the American people is against monopoly and for competition. How far that genius has been

created or fostered by the common-law system of the English-speaking race I do not now care to address myself, however inviting the subject. Certainly the common law has tended to create an equality of opportunity and a fair rivalry in economic and industrial life. The Sherman antitrust law was intended to confirm the common law, to preserve and conserve competition, and to affirm anew America's hostility to monopoly.

The committee will appreciate that in dealing with the great commerce of our country we are confronted with a dual jurisdiction by reason of the dual character of our governments. To separate intrastate from interstate commerce is a difficulty which often presents itself. Under our system of government we are confronted at almost every step with this conflict of jurisdiction. Fortunately or unfortunately the other Governments of the world are not so hampered. The Federal Government has not the same power to deal with commerce that the State has with the commerce wholly within its jurisdiction. But I may observe, in passing, that the interstate clause in the Federal Constitution affords more depth for sounding and more shore lines for exploration than any other clause or section of that great instrument. In this clause is to be found the most potential principle for the breaking down of State lines or State sovereignty. So, Mr. Chairman, we should enact only such legislation as we are constitutionally clearly authorized to enact, and one who attempts to draft a bill of this character must do so with more or less solicitude. He does not know when the language, no matter how thoroughly considered, will throw the whole subject matter of the bill into the courts, and the bill may thereby be declared null and void. I am not complaining of this. Such an arrangement is, in my opinion, very wise and necessary. There may be in this bill certain matters intrusted to the commission which may relate to both State and interstate commerce. Of course there is no difficulty on this score unless Congress concludes that it must extend the field of regulation so as to include matters heretofore regarded as within the jurisdiction of the States in order to make effective the regulation of what is plainly interstate or foreign commerce.

But when we have left the conflict of sovereign jurisdictions, other jurisdictional questions insistently present themselves. For example, does the bill give to the commission legislative or judicial powers? If so, our work is in vain. I may say I do not think we have done so. We have diligently sought to avoid mistakes so grievous. But I have mentioned these jurisdictional and constitutional difficulties in order that the House may appreciate the embarrassments confronting the Committee on Interstate and Foreign Commerce and the painstaking care which it has given to the preparation of the bill.

Again, when we authorize the commission to gain information from corporations, we are at once confronted with the question as to whether the method authorized and pursued constitutes an unreasonable seizure and search, so rigorously forbidden by the Constitution. So I submit to the committee that in undertaking to draft a bill of this character it is better to have a law that can be hereafter added to than one that must hereafter be subtracted from. It is better in legislation of this particular character that the law will clear its skirts in the outset of the juridical domain. We should avoid litigation in the start. I would apply this observation most respectfully to the bill of the gentleman from Kansas [Mr. MURDOCK]. He wants something vigorous, something masterful, to control what he terms "crooked business." He does not seem to have thought, if his own bill is an index of his thoughts, that this control may be relaxed by the juridical hand of our Government. He wants expedition, but expedition is haste slowly made in a matter so vital as this, unless every constitutional objection is fully met. I venture the opinion that the bill of the gentleman from Kansas would not successfully run the gauntlet of the courts.

Mr. STEVENS of Minnesota. Will the gentleman yield for a question?

Mr. MONTAGUE. Certainly.

Mr. STEVENS of Minnesota. The gentleman served on the subcommittee that helped to prepare this bill, if I recall?

Mr. MONTAGUE. I had that honor with my colleague, Mr. STEVENS, and others.

Mr. STEVENS of Minnesota. Without betraying the confidence of the subcommittee and of the full Committee on Interstate and Foreign Commerce, will the gentleman inform this committee to what extent the committee examined the provisions of the so-called Murdock bill with a view of determining how far it could be made effective and what uncertainties it would create as to the business affairs of this country?

Mr. MONTAGUE. I did not intend addressing the committee, and therefore I would not like to rely upon the accuracy of

my memory, but will say that we gave a very thorough study of the bills presented to us, and I think we arrived at practically the unanimous conclusion that the bill presented by the gentleman from Kansas was a very good speech, but very poor law. [Laughter and applause.]

Mr. ADAMSON. Mr. Chairman, if the gentleman will permit, I would like to ask him if the committee did not conclude almost unanimously that the bill drafted by the gentleman from Kansas would stimulate litigation more than any other business?

Mr. MONTAGUE. I just suggested that it would throw us, to use the picturesque language of the gentleman from Kansas [Mr. MURDOCK], into an "orgy" of litigation.

Mr. FESS. Will the gentleman yield there?

Mr. MONTAGUE. Certainly.

Mr. FESS. Would it be a proper conclusion to draw that a bill that would be thus written and found unconstitutional by the courts would give additional reason to some people for recall of judges? [Laughter.]

Mr. MONTAGUE. If that were the object, perhaps the bill might contribute to this end.

Mr. GREEN of Iowa. Will the gentleman yield further?

Mr. MONTAGUE. I will.

Mr. GREEN of Iowa. I assume the subcommittee did not for a moment think that the provision of section 5 of the bill introduced by the gentleman from Kansas [Mr. MURDOCK], to the effect that the commission might issue any order which in its opinion would effectively and promptly terminate such monopoly, was constitutional?

Mr. MONTAGUE. Well, briefly, I may say that the commission, under this bill, in my opinion, comprises legislative, executive, and judicial powers, powers which are incompatible. I think that will answer the question.

Mr. STEVENS of Minnesota. And in addition, if the gentleman will allow, dispensing powers that are not contained in any judicial function?

Mr. MONTAGUE. That is a very accurate appreciation of the measure.

Mr. Chairman, I would now address myself to the economic question directly and indirectly involved in this bill. I believe that the American people are not now ready for the extinction of competition. I believe that the great progress of America does not justify the relinquishment of competition, that great principle which has contributed so much to the progress and achievement of the American people. The bill offered by the gentleman from Kansas practically destroys competition as an industrial economic factor.

Bills have been offered which would empower this commission to fix the prices at which products of "big business" are to be sold. If you fix prices you must fix valuations, and if you fix valuations of property you must also fix the price of labor. The commission is then in a labyrinth of economic duties which could not be performed by the most enlightened men of this or any other country. The task is bewildering, and only the daring Socialist really desires the Government to perform so extraordinary a function, for thereby Government control and ownership of all business is begun.

This is a nonpartisan commission, Mr. Chairman. With the exception of one or two minor officials and certain expert officials, the officials and employees under the commission are selected by civil-service methods. The commission is lifted clean and bodily out of politics.

I sympathize with the remark of the gentleman from Ohio [Mr. WILLIS], who deprecates that Mr. Davis, the present commissioner of corporations, was secretary of the Democratic national committee. But I recall that once we had a very distinguished gentleman who was at the same time a member of the Cabinet and chairman of one of the great parties of our country. We also had on the famous Tariff Board, constituted by President Taft, a gentleman who all too soon thereafter became secretary of the executive committee of the Republican Party. I do not say this in any spirit of criticism, but that none of us can throw stones.

Now, a word as to competition, which I think this bill was intended to effectuate in the industrial and economic life of the people. This is the underlying purpose of this bill. The trouble with competition has not been with competition itself, but with unfair competition, dishonest competition, the competition that gets rid of a rival, not by underselling him through legitimate economies or honest methods, but by brutal methods and by sinister and subtle means.

Take, for example, what is known as the "factors agreement," whereby a trust undertakes to boycott its merchant purchasers if they do not comply with its selling regulations; imposing terms upon such merchant purchasers by requiring a

boycott of all independent producers. Under this sort of an agreement the trust having a great variety of products will refuse to sell the merchant or to give him the ordinary discounts if he buys the same class of goods from any competing establishment.

Again, the trust may make great varieties of one general kind of merchandise, while the competitor makes only one kind. In this way the trust will reduce the price on the particular competing article or product, but advance the price on the remaining varieties, thus crushing the smaller competitor.

Then, too, a trust or corporation covering a very large territory may sell its products below cost, or even give them away, within the territory of a small rival, the larger trust, relying upon recouping by an excess of profits in distant fields in which the small competitor does not operate or cover. These are familiar examples of unfair competition and dishonest practices, which must be destroyed or restrained if competition is to survive.

Mr. CLINE. Will the gentleman permit a question?

Mr. MONTAGUE. Certainly.

Mr. CLINE. Of course, it is within the province of a very large corporation having immense capital and a very large line of employees to manufacture and dispose of its article for less money than the small corporation and yet be within the legitimate lines of its purposes, is it not?

Mr. MONTAGUE. I will answer the gentleman by saying yes. But I will go further and say that the mere size of a corporation does not so much frighten me as the wrongful methods which a large or small corporation may employ.

Mr. CLINE. I was pointing my question to the illegal methods to be employed by both corporations. Inasmuch as the large corporation is able to undersell the smaller corporation, by what methods, if any, does the gentleman propose to correct that condition so as to protect the smaller corporation?

Mr. MONTAGUE. By this bill.

Mr. CLINE. By the bill; yes.

Mr. MONTAGUE. This bill is corrective, among other things, in that the commission investigates corporations not only severally, but in relation to other corporations, and in relation to the performance of corporate and business functions, and then brings this information to the executive department, to the legislative department, to the Department of Justice, and, in some instances, to the judiciary itself. And the great public will have this information in the discretion of the commission. But, as a more direct answer, the bill assures to the small corporation fair competition.

Mr. CLINE. Would that be sufficient to protect the smaller corporation?

Mr. MONTAGUE. I submit that if it does not immediately prove effective it will be the beginning of a plan or a law that will soon lead to the protection of the smaller corporation. I have more faith, perhaps, than some in the power of publicity. The honest man seeks and courts it. The dishonest business man shrinks from it, because he can not stand the light when it is thrown upon him. And while I concede to the gentleman, whose courteous interruption I desire to acknowledge, that we can not say that this particular bill will at one step or stroke meet the evil which is in his mind, I nevertheless submit that it does set on foot processes that will revolutionize the economic and legislative mind of the people, and that it will immensely help in effecting efficient remedies for the evils we all acknowledge.

Mr. BARKLEY. Will the gentleman yield for a question?

Mr. MONTAGUE. Yes; I will.

Mr. BARKLEY. If a large corporation by reason of its efficiency is able to sell its product cheaper than the small ones, and in a legitimate way and not by cutting prices in order to drive out the competitor, there is nothing in this bill, and ought not to be anything in the bill, that will prevent that?

Mr. MONTAGUE. I do not think that would be a monopoly.

Mr. BARKLEY. So that the test that might be applied under the bill would be whether he cut in prices by the big corporation was unfair and inaugurated for the purpose of driving out a competitor?

Mr. MONTAGUE. Yes, particularly; but the real test is whether it is monopolistic or not. And I will bring monopoly down to modern conditions. I will not let it rest upon the old case of Darcy against Allein, which stated with almost final authority not only the legal attributes of a monopoly but the economic and social wrongs of a monopoly.

Mr. CLINE. Mr. Chairman, the gentleman is so well informed upon this proposition that I would like to press the inquiry a little further, with his permission.

Mr. MONTAGUE. Certainly.

Mr. CLINE. Suppose that both of these parties now are pursuing an absolutely legal method in the manufacture and distribution of their merchandise, the larger corporation not seeking by cut-throat methods to displace the smaller one, but in the very nature of things the larger corporation can legitimately make its articles and sell them at a less price than the smaller. How are you going to meet that situation, when the smaller corporation finds its products displaced by those of the larger corporation?

Mr. MONTAGUE. I will not concede that, with all respect for the gentleman, as an accurate statement of the facts. It is not always the case that a large corporation can fairly win over the small corporation operating in the same field. The argument I was suggesting is this, that an element of unfair competition was in the large corporation if it came into the field occupied by the small corporation and therein undersold or, if need be, gave away a product similar to that made by the small corporation, and then in turn recoups itself for whatever loss it had incurred in the field occupied by the small corporation by charging a larger profit on its wares and products sold in fields or territory not covered by the small operator.

Mr. CLINE. Then it becomes a monopoly, and that goes outside of the pale of the question I was asking the gentleman. The large corporation then becomes liable under this statute if it does that?

Mr. MONTAGUE. Such competition is unfair and dishonest, in my opinion.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Virginia yield to the gentleman from Illinois?

Mr. MONTAGUE. Yes; but I had no idea of entering upon an economic discussion.

Mr. MADDEN. I do not want to involve the gentleman in an economic discussion. I just wanted to ask whether, as a matter of fact, this bill has anything whatever to do with the fixing of prices?

Mr. MONTAGUE. Nothing at all.

Mr. MADDEN. That is what I thought.

Mr. MONTAGUE. This bill is to help to enforce the anti-trust law or any other pertinent law that is now or hereafter in existence. It is a bill for information. It is a bill for advice. It is a bill to secure the information, the facts necessary for the conduct of the business of the country, so far as the legislative, executive, and judicial departments of the Government may desire or need that information.

Permit me to accentuate the idea that this bill provides information by reasonable methods, so that there will be no vagueness in business operations; not that any business may obtain an immunity from this commission, but business can gain information from it. If business does not gain it from the commission directly it will gain it in a secondary form through other officials of the Government—from the executive and legislative branches and from the judicial decrees. In other words, this commission has the authority and purpose of throwing a searchlight of fact and information upon the great economic and industrial business of the country. If we want to go further hereafter we shall have time and opportunity to do it.

There is an enlargement in this bill, as I understand it, of the functions of a master in chancery. This bill undertakes to develop a trained body of masters, of experts, who will help the court, if it has reached an opinion, to formulate a decree which will clearly fix the scope and meaning of the dissolution of any business so adjudicated.

Mr. FOWLER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Virginia yield to the gentleman from Illinois?

Mr. MONTAGUE. I yield with pleasure.

Mr. FOWLER. Does the gentleman believe that any man ought to be placed on the judicial bench of our country or placed in the position of Attorney General who is not able to draw a decree dissolving a trust?

Mr. MONTAGUE. Yes; or you may not be able to fill such offices. Great lawyers, great jurists, may not know how to draw an effective decree upon complex industrial subjects. We realize that the economic forces of America have moved faster than the political development of the machinery of our Government. We thought we had sounded the ultimate truth of government and had put it in final form through the instrumentality of a written Constitution. But our social and economic development has been so prodigious that we not infrequently find it in collision with the rather rigid legal and political forms of our system.

The bill meets one of these advances in business by enabling the court, after reaching an opinion, to have the help of the commission in formulating a decree that will meet the economic

and industrial complications inherent in a subject which in the nature of the case few courts, no matter how learned in the law, would understand without expert help. I doubt, if this measure becomes a law, that any court would deal with such complex facts and conditions as confronted the courts in the Standard Oil and American Tobacco cases without calling upon the commission for assistance. The law, through a commission of the character contemplated by this bill, will thus expand and progress to meet the advanced and complex activities of our great industrial and commercial concerns.

This new function of the equity master is an effort of the legislative body to adjust our jurisprudence to our industrial and economic development. Therefore it is a very wise provision, in my opinion, that this commission shall aid the courts in formulating decrees to make effective the real vital judgments which may be rendered. Moreover, if I may have the attention of the gentleman from Illinois [Mr. FOWLER], this advice or this aid will not tend to retard the progress of the administration of justice. On the other hand, it will tend to facilitate and expedite the administration of justice. [Applause.]

In conclusion, Mr. Chairman, the salient features of this bill are, first, the transfer of the Bureau of Corporations and the Commissioner of Corporations, with all their authorities and duties as to the investigation, management, and control of corporations provided for in the existing statute, to this commission, with power to act in the discharge of these duties independently of the Cabinet or the President; second, to confer upon the commission certain other duties upon the direction of the President, the Attorney General, or either House of Congress, with power in the commission to make public, with certain obvious exceptions, the findings or information thus obtained; third, to render assistance to the courts in the manner I have heretofore stated; and, further, to correlate business in conformity to law.

These legislative contributions, Mr. Chairman, are adequate for our present needs, and we should at least test by actual experience this bill before enacting more comprehensive and radical legislation. [Applause.]

Mr. ADAMSON. Mr. Chairman, I ask that the bill be read for amendment.

The CHAIRMAN. The Clerk will report the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That a commission is hereby created and established, to be known as the Interstate trade commission (hereinafter referred to as the commission), which shall be composed of three commissioners, who shall be appointed by the President, by and with the advice and consent of the Senate. Not more than two of the commissioners shall be members of the same political party. The first commissioners appointed shall continue in office for terms of two, four, and six years, respectively, from the date of the taking effect of this act, the term of each to be designated by the President, but their successors shall be appointed for terms of six years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he shall succeed. The commission shall choose a chairman from its own membership. No commissioner shall engage in any other business, vocation, or employment. Any commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. A vacancy in the commission shall not impair the right of the remaining commissioners to exercise all the powers of the commission.

Mr. TOWNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 1, in line 6, strike out the word "three" and insert "five," and in line 8 strike out "two" and insert "three." In line 10, after the word "two," insert "three," and after the word "four" insert "five."

Mr. TOWNER. Mr. Chairman, this amendment which I have offered has no other effect than to increase the number of the commission from three to five. In my judgment, it is one of the most important subjects that could possibly engage the attention of the committee. It has been stated here by almost every formulator of this bill, by every member of the committee reporting it, and by everyone who will support it, that this House is not now committing to this commission all the authority that it is expected it will ultimately exercise. We know that very many additional powers will be given to the commission. But if it were to limit its work to the powers that by this bill are committed to it, it would be infinitely better for the commission, for the country, for those who will be affected by it, for this commission to be a commission of five rather than of three. Very much depends upon the initial impression that this commission makes upon the country. A commission composed of three men is, in the eyes of the people, almost a committee. The hearings before three men will by no means be as impressive as those before five. It will greatly dignify this commission if it shall be composed of the number of men that almost

every one of us realizes ought to compose it. I understand very well the ideas that must have been in the minds of the committee with regard to the restriction of this number to three. I have no doubt that primarily it was the idea of economy. It would be better, it would save money from an economical standpoint, if the commission should be composed of three rather than of five. But, Mr. Chairman, in matters of this kind this amount of money that will be saved by the limitation of the number of the commission to three rather than five will not, in my judgment, be economically safe. It will be infinitely better that this commission shall be so created that it will meet all of the expectations of its sponsors; that it will meet the expectations of those who desire this legislation; that it shall disarm the criticisms of those who are to be affected by it. And I have no doubt whatever that we can not do this more effectually by any one single act than by making this commission a body of five commissioners rather than of three.

Mr. COVINGTON. Mr. Chairman, I desire very briefly to reply to the gentleman from Iowa [Mr. TOWNER] and to state that there is some force in the position which he asserts regarding the membership of a commission of this character; but the committee having charge of the framing of this bill weighed the situation very carefully, and they came to the conclusion that, with the functions to be performed by the commission at this time and with the necessity for a compact organization, in order to create the working force that will have to be built up for this commission, it would be better to start with three commissioners. Now, as a matter of fact, the Interstate Commerce Commission does not present that dignified aspect in point of numbers which the gentleman refers to. The real fact is that the Interstate Commerce Commission at this time nearly always sit with one or two members hearing great cases. At the present moment Commissioner McChord is hearing the great investigation into the affairs of the New York, New Haven & Hartford Railroad, regarding its flagrant violations of law. The dignity of that commission is not lessened by the number of the members who sit to hear any particular complaint, and the test of the trade commission's work will be how well its duties are performed and not how large a personnel it is composed of.

Mr. TOWNER. Will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Maryland yield to the gentleman from Iowa?

Mr. COVINGTON. I yield.

Mr. TOWNER. Is not the very incident which the gentleman mentions an argument in favor of a larger commission? Are not the corporations that will be affected by this commission much more numerous than those which are affected by the Interstate Commerce Commission? And, as it finds it necessary to divide up in the hearings of these cases, will not the new commission find itself also compelled to divide up in the hearings of the cases which come before it?

Mr. COVINGTON. I think the functions performed by this proposed commission are those relating to the publicity to be secured through the ninth section of the bill and the investigations that will be conducted by the various special agents and investigators under the direction of the commission. And I will say to the gentleman, further, that one of the most comprehensive schemes for the reorganization of the Interstate Commerce Commission that has been proposed, and that has the sanction of the commission itself, is a re-created commission which shall be permitted to operate in groups of three members each.

Mr. MURDOCK. Mr. Chairman, I move to strike out the last word. So far as I can see, an increase of the membership of this commission is not material in view of the small power which has been given the commission. Three members can handle the work that is provided in this bill probably as well as five. If the commission had more power and more activities under the scope of the bill, there would have to be more commissioners. The present Interstate Commerce Commission consists of seven members. It originally consisted of five. Undoubtedly the thing which occurred in respect to the Interstate Commerce Commission will occur under this bill—a growth of power. These commissioners have in this measure merely investigative powers. They go no further than that. Three men can exercise that function probably as well as five or seven, but it is inevitable under this sort of legislation, and after the creation of this sort of a commission, that within a year, or at best within two years, this commission, with its feeble powers, will be before Congress in its annual report, which is here provided, pleading with Congress to give it power, to give it other and more power than merely the right to investigate and optionally make public its findings. When that prayer comes there will be ample opportunity to increase the membership of the com-

mission, and undoubtedly it will be increased. I see no particular point to be gained now by increasing the size of the commission. It will have no more dignity with five than it has with three. It is a feeble commission, and you can not increase its power by increasing its number.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was rejected.

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the last word.

Mr. ADAMSON. Mr. Chairman, I ask unanimous consent that debate on this section close in five minutes.

Mr. MURDOCK. Mr. Chairman, the gentleman is going to run until 11 o'clock, is he not?

Mr. ADAMSON. I hope not.

Mr. STAFFORD. I think we ought to have liberal debate under the five-minute rule.

Mr. ADAMSON. I think, as everyone has expressed accord with this measure, we should get through sooner than 11 o'clock.

Mr. WILLIS. Mr. Chairman, the gentleman from Pennsylvania [Mr. GRAHAM] desires to offer an amendment.

Mr. ADAMSON. Does the gentleman from Wisconsin desire to be heard?

Mr. STAFFORD. I do not care to speak; but the gentleman from Iowa [Mr. GREEN], the gentleman from Illinois [Mr. FOWLER], who is upon his feet, and others would desire to be heard. I do not think there is any need for pressing the request at this time.

Mr. ADAMSON. Then, Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 15 minutes. I believe that will accommodate all of the gentlemen who are on their feet.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that all debate on the section and all amendments thereto close in 15 minutes. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. GREEN of Iowa. Mr. Chairman, the gentleman from Kansas [Mr. MURDOCK] has criticized the bill which is before the House and has referred somewhat indefinitely to provisions of a bill which was prepared by himself.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Oh, the gentleman would not yield to me.

Mr. MURDOCK. I did not, for lack of time.

Mr. GREEN of Iowa. The gentleman had a world of time.

Mr. MURDOCK. Oh, no; I did not.

Mr. GREEN of Iowa. I have only five minutes, and the gentleman had time that he did not use.

Mr. MURDOCK. Oh, I beg the gentleman's pardon. I used all of my time and could have used an hour and a half more.

Mr. GREEN of Iowa. I decline to yield. I think the House ought to better understand the provisions of the bill which the gentleman from Kansas has introduced, being the bill H. R. 9301, to protect commerce against monopolies.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. It is the most extraordinary bill that was ever brought before this or any other body.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Mr. Chairman, I decline to yield for the same reason as before. I have not the time.

Mr. MURDOCK. Really, will the gentleman yield—

The CHAIRMAN. The gentleman declines to yield.

Mr. WEAVER. Tell us about the bill.

Mr. GREEN of Iowa. Never since the time when Moses wrote the Ten Commandments, never since the time when it was proposed to have government by law, did anybody ever introduce a measure providing that a judicial body might enter any decree that in its opinion should be entered in the case. It was reserved for the gentleman from Kansas [Mr. MURDOCK] for the first time to ever introduce before any body such a provision as that. In section 5 of the bill which the gentleman from Kansas introduced I find this provision with reference to the orders that the commission shall make:

Said commission shall issue and serve upon such corporation or association a written order to said corporation or association specifying such changes in the organization, conduct, or management of its property and business as in the opinion of the commission will most effectively and promptly terminate such monopolistic power.

Of course it adds there the words:

While at the same time safeguarding property rights and business efficiently.

But that is all in the opinion of the commission also. There is one provision in the bill that the gentleman from Kansas introduced that is in some respects an excellent one and in

others entirely unnecessary. It is found right at the close of the bill, and it is the first time that I ever knew such a provision as that to be introduced. Section 12 of the bill, which is the last section, provides:

SEC. 12. That if any provision or requirement of this act shall for any reason be held unconstitutional, the validity of the remaining provisions or requirements of this act shall not be affected thereby.

Mr. Chairman, if this provision which I first read was passed on by any court without any argument or without any discussion it would be held unconstitutional. Why, the commission is not required to render an order in accordance with the law and the facts. The law and the facts will not determine the matter before this commission. It is to render an order in accordance with its opinion, whatever it thinks ought to be done. That is the kind of statute the gentleman from Kansas wants to have adopted by this House and put into force.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. The most arrogant, the most tyrannical government that has ever pretended to act under law would never undertake to pass such a provision as that.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. I decline to yield to the gentleman.

Mr. MURDOCK. Talk about arrogance and tyranny. [Laughter.]

Mr. GREEN of Iowa. Now, if this provision should be unconstitutional he provides that the rest of his bill would not be affected thereby, but the whole force and effect of the bill would be destroyed if this provision were held unconstitutional as certainly it would have to be. It may be that we would be ruled better and controlled better by some benevolent despot, or three, four, or five benevolent despots, authorized and empowered to enter any sort of a decree that in their opinion might be best, but the time has not yet come when the American people are ready to submit to anything of that kind. This country, Mr. Chairman, is governed by law, in accordance with the law, and under the Constitution that has not yet so far been dispensed with, although by this bill which the gentleman from Kansas has introduced for political effect it would be wiped out entirely.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 7, after the word, "President," insert the words "by and with the advice and consent of the Senate."

Mr. GRAHAM of Pennsylvania. Mr. Chairman, it will be at once perceived that this amendment relates to the question of the independence and tenure and security in office of the men who will constitute this commission. I am not offering the amendment as one inimical to this bill. I am offering the amendment with the hope of improving it at a point where I think it requires improving. You will recognize that these commissioners are appointed by the President by and with the advice and consent of the Senate. It seems to me that the proper balance would be preserved if their removal depended upon the same thing. An industrial commission is not a part of the executive department of the Government—

Mr. BARKLEY. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. In a moment. It is more nearly related to the judicial function of the Government, and I would wish to see the tenure of office made as secure as possible. Indeed, it was in my thought to suggest that the removal of one of these commissioners, and also of one of the Interstate Commerce Commission, which is now exercising such great powers and discharging such responsible duties, ought to be made only by impeachment in the manner in which we would remove a judge from office. It is in order that these men should be lifted above politics and put upon a high plane. The appointment itself contains the element of political selection, but I make no suggestion about changing that. I refer simply to what will make the men in office more secure, more independent in their action and conduct, and to that end they ought to be removed from office only by and with the advice and consent of the Senate. Now I yield to the gentleman from Kentucky.

Mr. BARKLEY. Is the gentleman aware of the fact that this same provision is the law in reference to the removal of members of the Interstate Commerce Commission, that they are removed by the President in exactly the same language as provided in this bill?

Mr. GRAHAM of Pennsylvania. I am perfectly aware of the fact.

Mr. BARKLEY. Can the gentleman recall any provision of law where any appointive officer whose appointment must be

confirmed by the Senate also is removed by and with the advice and consent of the Senate, not by the President direct; and if that is true, why should exception be made in regard to the members of this commission?

Mr. GRAHAM of Pennsylvania. I recognize that the language of this bill is copied from the act creating the Interstate Commerce Commission, and I also recognize that when the Interstate Commerce Commission was created this sort of legislation was in its infancy and that there is room for improvement in all such provisions. So far as merely appointive officers are concerned occupying positions in the executive departments of the Government and their removal may be concerned it ought to be within the power of the Executive to remove them, and so far as such officials come within his domain I would make no objection, but we are creating something now that lies outside the Executive and more nearly approaches the judicial. We are creating an organization that in the discharge of its duties will exercise functions as high and as great as any ever exercised by judges upon the bench and the tenure of their office ought to be made as secure as possible, and this small amendment would help to create confidence in the independence and endurance of the commission.

Mr. FESS. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Yes, sir.

Mr. FESS. I would like to ask the gentleman if he has any doubt as to the constitutionality as to that kind of provision involved in his amendment limiting the President in the removal?

Mr. GRAHAM of Pennsylvania. If the limitation were connected with officials absolutely in the executive departments of the Government, there might be a question as to the constitutionality of such a provision, but this commission is not connected with the executive department, but made and declared to be absolutely independent of the power and control of the President.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COVINGTON. I want to say a single word in reply—

Mr. ADAMSON. It was understood that five minutes was to be divided up by the gentleman from Illinois and—

Mr. STAFFORD. Why not agree to an extension and let the gentleman from Maryland have more time?

Mr. FOWLER. Mr. Chairman, I gracefully yield my time to the gentleman who is the chairman of the subcommittee on this bill.

Mr. ADAMSON. The only reason I stated this was because we consented to apportion five minutes to the gentleman from Illinois.

Mr. FOWLER. Let the gentleman from Maryland take the time; he has some information, and I want to ask some questions while he does that.

Mr. MURDOCK. If nobody will take the gentleman's time, I will.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CARAWAY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 5289) to provide for warning signals for vessels working on wrecks or engaged in dredging or other submarine work.

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested.

H. R. 12806. An act authorizing the Secretary of War to grant the use of the Fort McHenry Military Reservation, in the State of Maryland, to the mayor and city council of Baltimore, making certain provisions in connection therewith, providing access to and from the site of the new immigration station heretofore set aside, and appropriating certain money.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4741. An act for the protection of the water supply of the city of Salt Lake City, Utah.

INTERSTATE TRADE COMMISSION.

The committee resumed its session.

The CHAIRMAN. The gentleman from Maryland is recognized.

Mr. COVINGTON. Mr. Chairman, I simply want to say to the committee I recognize the great legal ability of the gentleman from Pennsylvania, who, nearly 25 years ago, taught me a good deal of what little law I know.

I always listen with a great deal of pleasure to what he has to say on a legal proposition. I think, however, he will, upon reflection, recognize that he is mistaken, and that we can not circumscribe the constitutional right of the President to remove for cause, such as malfeasance in office and otherwise, those statutory officers of the United States created merely by act of Congress. Moreover, the 27 years of experience of the public with the Interstate Commerce Commission has demonstrated that that body, beyond the control of the President, has always had a personnel of such character that there has been no necessity for a single removal from office.

Mr. MADDEN. Does the gentleman from Maryland forget that President Wilson has appointed a majority of the present Interstate Commerce Commission? Has he not done so?

Mr. COVINGTON. I believe he has, through the unusual accidents of vacancies.

Mr. MURDOCK. Mr. Chairman—

The CHAIRMAN. To whom does the gentleman from Maryland yield?

Mr. COVINGTON. I surrendered my time.

Mr. MURDOCK. Mr. Chairman, I ask for recognition, if there is any time left.

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER] and the gentleman from Kansas [Mr. MURDOCK] both addressed the Chair.

Mr. ADAMSON. The gentleman from Illinois [Mr. FOWLER] had the time and yielded to the gentleman from Maryland [Mr. COVINGTON].

Mr. MURDOCK. How much time is there left?

The CHAIRMAN. There are two minutes remaining.

Mr. MURDOCK. Now, Mr. Chairman, in those two minutes, if I may have the floor—

Mr. ADAMSON. If the gentleman from Illinois [Mr. FOWLER] wants to use the two minutes, I think they belong to him.

Mr. MURDOCK. I think so, too.

Mr. FOWLER. Mr. Chairman, I want to be courteous to all the gentlemen, and certainly if the gentleman from Kansas [Mr. MURDOCK] wants the time, I will be glad to let him have it.

Mr. MURDOCK. Now, Mr. Chairman, I thank the gentleman from Illinois [Mr. FOWLER], and I want my two minutes in full. I wish to reply to the gentleman from Iowa [Mr. GREEN] who preceded me and who criticized one of my bills.

He failed to state to the House that every power that is given the commission under my bills is subject to the review of the court. Now, Mr. Chairman, we have heard a doleful sound from the gentleman from Iowa [Mr. GREEN] this afternoon, and it is a voice from the past. It was from such men as he that we had in this House for years and years obstruction to giving full power to the Interstate Commerce Commission. It was from such gentlemen as he, from Iowa and other States, where the political proclivities are sometimes along the straddling line—it was from such gentlemen as he that we heard for years the dismal declaration that we were encroaching upon the powers of the courts. It was such gentlemen as the gentleman from Iowa [Mr. GREEN], always standing in the way of public advancement and progress, who kept this country back for years from a remedy against discriminative freight rates. And it is from such gentlemen as the gentleman from Iowa, who never takes part except for desultory interruptions here, usually out of order, and not in point—it is from such gentlemen as the gentleman from Iowa that we will continue to have obstruction in giving a trade commission adequate power to handle monopoly. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. GRAHAM].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

All of the expenses of the commission, including all necessary expenses for transportation incurred by the commissioners, or by their employees under their orders, in making any investigation, or upon official business in any other places than in the city of Washington, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the commission.

Mr. FOWLER. Mr. Chairman—

Mr. GREEN of Iowa. Mr. Chairman—

The CHAIRMAN. The gentleman from Iowa is recognized. Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the last word. I wish to say a word or two to the leader of the Assistant Democratic Party in this House.

Mr. DONOVAN. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. DONOVAN. Under the five-minute rule and under your procedure here the gentleman must talk to the subject matter

contained in this section. There is too much of getting away from the five-minute rule.

Mr. GREEN of Iowa. If the gentleman will pardon me, I did not intend to say a word about the Democratic Party.

Mr. MURDOCK. I hope the gentleman from Connecticut will let the gentleman from Iowa [Mr. GREEN] proceed.

Mr. DONOVAN. I insist upon the point of order.

The CHAIRMAN. The Chair was unable to determine the tenor of the gentleman's remark.

Mr. GREEN of Iowa. Mr. Chairman, I will frankly say here and now that I shall not speak to the bill, but I hope there will be no objection. I did not discuss anything personal when I was talking here before. I referred simply to a bill before the House. The gentleman from Kansas [Mr. MURDOCK] in reply saw fit to attack my record.

Mr. MURDOCK. Will the gentleman yield? The gentleman has no record that I ever read about.

Mr. STAFFORD. That is merely a flippant remark, characteristic of the gentleman from Kansas.

Mr. GREEN of Iowa. I hope the gentleman from Connecticut will withdraw his point of order and let me have the five minutes.

The CHAIRMAN. The gentleman from Iowa [Mr. GREEN] has the floor.

Mr. GREEN of Iowa. Mr. Chairman, when the gentleman from Kansas talks about my record he is talking about something concerning which he has no information. I was a progressive before the gentleman from Kansas ever thought of being a progressive. I was a progressive in the times when it meant something to be a progressive and under circumstances when the movement was not popular. I did not wait for public sentiment to become a progressive.

Mr. MURDOCK. Will the gentleman yield?

Mr. GREEN of Iowa. No; I will not yield.

I have not succeeded, as the gentleman from Kansas has, in capitalizing my patriotism and my progressivism at the rate of \$150 a lecture upon the Chautauqua platform, and I do not ever expect to have to do that. In that respect I am behind the gentleman from Kansas and will probably stay there.

Mr. MURDOCK. Will the gentleman yield at that point?

Mr. GREEN of Iowa. No; I will not yield. I have followed those great leaders CUMMINS and LA FOLLETTE in the days of darkness and despair, when they went down to defeat year after year after grueling campaigns that have taken years from the life of both of them, and I am ready to follow them still, within the Republican Party, which has given us the best antitrust law ever enacted in any country, while the gentleman from Kansas has gone off after false gods, like the theories embodied in his bill, for the sake of what he thought at the time would effect a political triumph, but which will never be approved by the people of the United States. [Applause.]

Mr. Chairman, I know what progressive principles are just as well as does the gentleman from Kansas. I belong to that element of the party. I am proud of it, and I do not propose that any gentleman shall stand up here in the House and say that I belong to any element that is trying to obstruct or fetter or prevent legislation against monopolies or trusts. I belonged to that element of the party when the gentleman from Kansas [Mr. MURDOCK] was in small clothes, and I tried to get these measures introduced and passed, and I forwarded them to the best of my ability and power. The gentleman gets up here in his usual style and for the sake of some political purpose or object undertakes to detract from the reputation and the record of gentlemen whom he knows nothing about. He is assuming and arrogating to himself something to which he has no right and something which he can not in justice perform.

Mr. MURDOCK. Mr. Chairman, is any time left?

The CHAIRMAN. The gentleman from Kansas is recognized.

Mr. MURDOCK. I move to strike out the last word.

Mr. ADAMSON. Mr. Chairman, I do not want to speak politically, but the political and personal record of these two gentlemen is not material to the pending bill at all. I want them to quit talking politics. I say to the gentleman from the depths of my heart and with tears in my eyes as big as horse apples that watermelons will be ripe in six weeks, and if we keep on talking here about the records of these two gentlemen it will be Christmas before we get home. [Laughter.]

I will withdraw my objection, Mr. Chairman, in the hope that in this instance the gentleman may mention the bill a time or two in his remarks. [Laughter.]

Mr. MURDOCK. Mr. Chairman, I yield to no man in my anxiety over and appetite for watermelons, and I am just as

eager to reach that season of the year as any other gentleman is. But I want to reply to the gentleman from Iowa in the next five minutes.

He says that I have attacked him. The fact is that the gentleman from Iowa has just discovered that he barked up the wrong tree. The gentleman from Iowa attacked very flippantly and frivolously and without any real insight into the measure some provisions in the bill that I introduced, and then rises after I have defended my bill and says I have attacked his record.

Mr. NORTON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Kansas yield to the gentleman from North Dakota?

Mr. MURDOCK. No; I do not yield now.

The gentleman from Iowa asserted that he is a progressive. What sort of a progressive is he? He is one of those progressives who dares occasionally to think that he is progressive, but who stays mighty close to the skirts of the old conservative Republican Party. He does not get out very far from her protection. That is susceptible of absolute proof.

There are three parties in this country. The Democratic Party is the traditional conservative party. It now brings before the country a set of trust bills in complete keeping with its traditions—conservative bills, adding a little to an already existing statute. The Progressive Party—which is a truly progressive party—has brought before the committee of the House bills which are not conservative, which take the forward step, just as the step was taken in former years in regard to the strengthening and enlargement of the powers of the Interstate Commerce Commission.

Now, what does the old Republican Party do, the party to which the gentleman from Iowa aligns himself as a progressive? What does it do? Every man within the sound of my voice knows what it does in this crisis. It does absolutely nothing.

Mr. STEVENS of Minnesota. Mr. Chairman, may I ask the gentleman a question?

The CHAIRMAN. Does the gentleman from Kansas yield to the gentleman from Minnesota?

Mr. MURDOCK. No. You can speak in your own time.

Mr. STEVENS of Minnesota. Does the gentleman deliberately wish to make a misstatement?

Mr. MURDOCK. I do not yield, Mr. Chairman.

The CHAIRMAN. The committee will be in order.

Mr. STEVENS of Minnesota. Mr. Chairman, the gentleman from Kansas—

Mr. MURDOCK. Will the gentleman listen? In the Judiciary Committee—

Mr. ADAMSON. Mr. Chairman, I ask that we proceed with the consideration of the pending bill.

Mr. MURDOCK. Mr. Chairman, my five minutes are not up. I am talking to the bill. In the Judiciary Committee what did the Republicans propose as an alternative to the Clayton bill? What did they propose? There are three separate and distinct Republican reports out of that committee. First is the one signed by the gentleman from Pennsylvania [Mr. GRAHAM] and Mr. DANFORTH and Mr. DYER, and another report, signed by Mr. VOLSTEAD and Mr. NELSON, and still another, filed by Mr. MORGAN of Oklahoma.

Now, this situation is characteristic of the three parties. The Democratic Party within its lights—and Heaven knows its lights are limited enough—is trying to make a little feeble step in advance of the old conditions. The Progressive Party wants to make a full stride out in front and definitely get somewhere on this problem. The Republican Party, as usual, is divided in council and in opinion, and is taking the negative position, serving as a sort of basket trap to catch people who are dissatisfied with the Democratic Party.

Now, the gentleman from Iowa [Mr. GREEN] calls himself a progressive. As between the Democratic Party, which is really trying to move, and as between the Republican Party, which is standing pat and standing still, and the Progressive Party, which has just put before the country a comprehensive, constructive plan for the destruction of monopoly, the gentleman from Iowa continues, as he always will, to stand still with the standpatters. [Applause.]

Mr. ADAMSON. Mr. Chairman, inasmuch as there is nothing but a pro forma amendment suggested here, I ask that all debate on this section and amendments thereto close in 10 minutes.

Mr. FOWLER. Mr. Chairman, I want to offer an amendment to this section, and I trust the gentleman will withhold his request.

Mr. ADAMSON. That does not cut out the gentleman at all.

Mr. STAFFORD. Mr. Chairman, I do not think we should limit this discussion in this way.

Mr. STEVENS of Minnesota. Mr. Chairman, I want three minutes in which to correct the statement made by the gentleman from Kansas [Mr. MURDOCK]; to make a correction that he would not permit me to make.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. FOWLER].

The Clerk read as follows:

Amend, page 3, at the end of line 9, by adding the following: "That the commission is hereby authorized and directed to offer and pay rewards to the person or persons who shall first furnish to the Government information which shall lead to the detection of violations of the antitrust act of July 2, 1890, and of the acts supplementary thereto, and which shall result in recovery of moneys or property as fines, penalties, forfeitures, or otherwise, to the amount of 10 per cent of the amount recovered."

Mr. FOWLER. Mr. Chairman—

Mr. COVINGTON. Mr. Chairman, I make a point of order against the amendment. I do not wish to cut the gentleman off from discussing it, but it is not germane to this section at all. I will reserve the point of order.

Mr. FOWLER. Mr. Chairman, I think the amendment is germane to the section; and if it is not, I would like to have that question settled. I am not here to take up one minute of the time of this House on this question for the purpose of show, or for any other purpose except to discharge my duty. If the gentleman desires to make the point of order against the amendment, I trust he will do it now.

Mr. COVINGTON. I make the point of order against the amendment that it is not germane to this section. This deals entirely with administrative features.

The CHAIRMAN. The Chair will hear the gentleman from Illinois on the point of order.

Mr. FOWLER. Mr. Chairman, the part of the section to which my amendment applies deals directly with the fees of witnesses, and this amendment is nothing more nor less than an enlargement of the fees of the witnesses who shall bring evidence leading to the conviction of men who have violated the very law which this commission is empowered to deal with.

The CHAIRMAN. The Chair is of the opinion that the amendment is broader than the gentleman from Illinois suggests.

Mr. FOWLER. The amendment only deals with the same question. While it gives a larger fee than is given by that part of the section to which it applies, yet it deals with the very same subject matter, and certainly is germane to that part of the section, if not to the other part.

This is a bill creating new law, and I can not understand why it is not germane when it deals with the very point that that part of the section deals with. If the Chair is of the opinion that it is not germane as an amendment to this section, I will offer it as a new section.

The CHAIRMAN. The Chair is constrained to adhere to his original impression that at this point the amendment is not germane.

Mr. FOWLER. Then I offer it as a new paragraph.

Mr. COVINGTON. I do not contend that there may not be parts of this bill conferring express powers upon the commission in relation to investigation, or in relation to the taking of testimony, to which this amendment might not be germane; but the section that is now under consideration deals entirely with the compensation to be paid to the commissioners and the various employees and the witnesses, and it has nothing to do with the administrative powers of the commission.

The CHAIRMAN. The Chair is under the impression that the amendment would apply more properly to a later provision in the bill.

Mr. FOWLER. I have thought that it would apply to other sections, but it can be offered at any time and placed wherever it may be thought to be most proper.

Mr. ADAMSON. Mr. Chairman, if the gentleman will yield, I will ask unanimous consent that the gentleman be allowed to offer the amendment and have it passed on, and that it may be offered to a section where it is germane. There are several sections to come where it will be germane. The gentleman tells me he wishes to get through with it now.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. ADAMSON. I understand that the gentleman from Illinois is to have 5 minutes and the gentleman from Minnesota [Mr. STEVENS] 5 minutes—

Mr. STEVENS of Minnesota. I do not care for 10 minutes.

Mr. ADAMSON. I meant to say five minutes each, which was the agreement.

Mr. FOWLER. I do not understand that there is any limitation. This is the only portion of this bill upon which I expect to speak, and I desire to have an opportunity, so that the question may be discussed by other gentlemen who desire to discuss it.

Mr. ADAMSON. I do not make the limitation. The rules of the House make the limitation under the five-minute rule. I ask unanimous consent that when the gentleman has spoken and been replied to debate on this section close.

Mr. FOWLER. I trust that the distinguished gentleman from Georgia will withhold his request at the present time.

Mr. ADAMSON. I will withdraw it, but I notify the gentleman that I do not intend to consent to anybody speaking over five minutes. I will not do it myself.

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER] has the floor.

Mr. FOWLER. Mr. Chairman, the bill under discussion makes provisions for an Interstate Trade Commission consisting of three commissioners, and clothes them with certain powers and duties, chief among which is to investigate violations of the antitrust acts and report their findings to the President and Congress, with a view of bringing to justice the offending parties and for new legislation, if such should be found to be necessary for the adequate protection of the rights of the people. To properly discharge this important duty this commission will be compelled to rely upon evidence furnished in support of violations of antitrust laws.

Mr. Chairman, my amendment is in aid of this part of the duty of the commission. It is intended to make the evidence more certain and more easily reached. The virtue of a criminal statute does not necessarily lie in the severity of the punishment, but it does depend largely upon the certainty of the enforcement of such statute. A criminal law without enforcement is a dead letter and a burden upon the statute and the State. If this bill when enacted into law is worth anything to the people in the way of relief, it will be found in the certainty of its power to secure convicting evidence of violations of the Federal Criminal Code by gigantic conspiracies against the welfare of this Republic. My amendment will be a great weapon in the hands of the commission in detecting such violations of the law and bringing the criminals to certain justice. If I am not mistaken in the merits of the amendment, then it is most friendly to this bill and should command the respect and support of every Member of this House.

One of the greatest obstacles in the way of prosecuting the powerful combinations is the immense power possessed by them over the persons who are able to furnish the evidence. Usually such witnesses are or have been in the employ of the trusts and through this means have gained personal knowledge of violations of the law, yet they are afraid of losing their jobs, and timidly halt and hesitate to go before courts of justice and divulge the evidence. Often they are afraid of the vast power of these unlawful combinations to injure them in person or in their chances to earn a living for themselves and families. Such witnesses can not be produced unless the Government will throw its strong arms of protection around them and guard them from the vengeance of the combined monopolistic power of men whose hearts are bent on evil and greed.

Mr. Chairman, there is something materially wrong in a country where those who do the most have the least, where industry is clothed in rags and idleness is wrapped in robes, where truth remains silent through fear and falsehood stalks in authority, where wall and want haunt the hovels of the industrious many, while the fruits of their labor are poured into the laps of the idle few. Mr. Chairman, there is something wrong with the school where the teacher whips the little boys unmercifully and permits the big boys to do as they please. There is something wrong with the courts of a country where long terms of imprisonment are speedily imposed upon those who are forced by the pangs of hunger to take a loaf of bread or a roll of sausage from the restaurant through its unguarded broken window pane and at the same time fails to punish the idle rich who violate the law with impunity by robbing the people of untold millions annually. No nation can prosper under such conditions. Discontent and distrust among the many will soon breed opposition to such administration of government and plot its overthrow. Justice demands a speedy punishment of big criminals and the most certain and speedy means of obtaining convicting evidence. My amendment offers such a remedy. Will you accept it, or will you permit the evidence still to hide in the shadow of fear and intimidation, thereby delaying justice in its effort to punish and check colossal crimes?

If you pass this amendment, it will give vitality to this bill and make it a powerful instrument when enacted into law in regulating the business affairs of the Nation. I submit that we

have plenty of precedents for the passage of this amendment. I offer the following statutes upon this subject:

REWARDS.

(The acts of 1866 and 1867.)

Sections 191 and 710 provided for rewards, as follows:

And whenever any person not an officer of the United States shall furnish to a district attorney, or any chief officer of customs, original information concerning any fraud upon the customs revenue, perpetrated or contemplated, which shall lead to the recovery of any duties withheld, or of any fine, penalty, or forfeiture incurred, whether by importers or their agents, by any officer or person employed in the customs service, such compensation may on such recovery be paid to such person so furnishing information as shall be just and reasonable, not to exceed in any one case \$5,000.

Section 3463, act of March, 1867, contained the following provisions for rewards:

The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, is authorized to pay such sums, not exceeding in the aggregate the sum appropriated therefor, as he may deem necessary for the detecting and bringing to trial and punishment persons guilty of violating the internal-revenue laws, or conniving at the same, in cases where such expenses are not otherwise provided for by law.

Upheld in 1876 in *Williams v. United States* (12 Ct. Cls., 192).

CUSTOMS REVENUE.

(Act of June 22, 1874.)

SEC. 4. That whenever any officer of the customs or other person shall detect and seize goods, wares, or merchandise in the act of being smuggled, or which have been smuggled, he shall be entitled to such compensation therefor as the Secretary of the Treasury shall award, not exceeding in amount one-half of the net proceeds, if any, resulting from such seizure, after deducting all duties, costs, and charges connected therewith. * * *

The following provision is carried in sundry civil bill of June 28, 1902:

For detecting and bringing to trial and punishment persons guilty of violating the internal-revenue laws, or conniving at the same, including payment for information and detection of such violations * * * dollars.

Mr. Chairman, this is not a vicious amendment. It is not armed with teeth and brimstone, but it is in harmony with the practices of the past. We have seen that both the internal-revenue law and the customs-revenue law have provisions for rewards. It was through the reward provision in the customs-revenue law that the Government was able to reach the mighty Sugar Trust, and recovered \$2,000,000 on a settlement; and Mr. Parr, the gentleman who furnished that evidence, received his reward. It is a custom in all States of this Union when crime has been committed and the criminal hides so that he can not be detected, or so that his offense can not be properly brought to light by the authorities, to offer rewards in order to bring him to justice. The governors of the States invariably offer rewards in such instances. When crimes have been committed the counties invariably offer rewards for the apprehension and detection of the criminals. This is not an innovation; it is not a departure from the custom heretofore practiced by counties, by States, and by this Nation, but it is in harmony therewith. The first President of the United States was confronted with the very same condition that we are confronted with in hunting up evidence to bring to justice the violators of the antitrust law, and he said in reference to this question in 1776:

It gives me sincere pleasure to find that the Assembly of Pennsylvania is so well disposed to second your endeavors in bringing those murderers of our cause (the monopolists) to condign punishment.

It is much to be lamented that each State long ere this has not hunted them down as pests of society and the greatest enemies we have to the happiness of America.

I would to God that some of the most atrocious in each State were hung in gibbets upon a gallows five times as high as the one prepared by Haman.

No punishment, in my opinion, is too great for the man who builds his greatness upon his country's ruin.

This language has been quoted by many able writers and speakers upon this question, and it has never been more appropriate in the history of America than it is to-day, because the evidence leading to the conviction of those who have violated the antitrust law is in the mind and in the breast of men who are under the influence of the corporate wealth of this country, under the influence of the very men who have committed the offense against the country, and if we offer the reward it will be a security to them that they may be free to come to this commission and divulge the proper evidence for conviction. Senator KERN, the leader of the Democratic Party in the Senate, has introduced a bill, which I hold in my hand, embodying the very same principles, and the part which I have offered as an amendment to this bill is literally copied from Senator KERN's bill which he introduced in the Senate on March 28, 1912.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FOWLER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman has that privilege under the rule.

Mr. ADAMSON. Yes; the gentleman has that privilege under the rule, and it is also granted for five legislative days to all without their being recognized.

Mr. MURDOCK. Does that apply to the five-minute rule?

Mr. ADAMSON. To everything.

Mr. STEVENS of Minnesota. Mr. Chairman, I sympathize with the purpose of the gentleman from Illinois [Mr. FOWLER], and I know that he desires to have this bill passed in the best condition possible, and to grant to this commission the authority necessary to perform its functions to the best advantage of the American people. His amendment is not in accord with the theory or object of the bill. This provision properly should be under the jurisdiction of the Department of Justice. If there is anything which will injure the trade commission, which will impair its influence, and possibly bring ruin to its great mission, it will be to have it regarded throughout the country as a detective bureau. The best information it can secure for the benefit of Congress and for the best interests of all classes of people and business of this country is that which will come voluntarily, without compulsion; and if it be understood that it will perform or must assume the functions of a detective bureau, naturally it will have that sort of a badge or label and that sort of a reputation if we adopt this amendment. Good and reputable men can not afford to be connected with it or help it. Their motives and actions would be under suspicion of petty gain or graft, and they might be classed with the informers. Such a condition and sentiment would injure the purpose and diminish the benefits of the commission more than could be done by any other single amendment. I think such a provision ought to be adopted or exist in the right kind of a measure, but it should be put where it belongs, as a part of the functions of the Department of Justice. I think the department now has funds for a somewhat similar purpose, and if the authority is not broad enough it should be strengthened by appropriate action of Congress.

Mr. BARTLETT. Mr. Chairman, the Department of Justice has funds appropriated every year in the sundry civil appropriation bill for that purpose.

Mr. STEVENS of Minnesota. Yes; that has been done for 10 or 12 years. I think there are several funds which may be used for such purposes. One is the general lump appropriation containing the proviso exempting from its operation the farmers' and labor organizations.

But I wish now to pursue another branch of the subject, and to make a correction in the statement of the gentleman from Kansas [Mr. MURDOCK], for I know that he does not desire to make an incorrect statement or to place in the RECORD here as facts statements which are not sustained by the record itself. The Progressive Party, represented by him, and under his leadership, has introduced one set of bills, unless he will assume paternity and responsibility for the bill introduced by the gentleman from Oregon [Mr. LAFFERTY]. I presume originally he would have been willing to do that, but it may be that the events of the last few weeks will make him now willing that we should divide that responsibility with him. [Laughter.] We have no desire, however, to extend our authority any further than is necessary, I assure him. The fact is that this bill as it stands before the House is based principally on Republican measures introduced in past or present Congresses. I hold in my hand a report of the last Congress on the subject of a trade commission, by Senator CUMMINS, of Iowa. That report contains more of value which has been used by this committee than any other one document. It is one of the clearest and ablest presentations of the general aspects of this important subject which has been before us. I hold here a bill introduced in that Congress by Senator CUMMINS, of Iowa, on the same subject, creating a trade commission, and the committee will notice from the marginal notations upon it that more was taken out of that bill than any other one measure which this committee used. I hold here another very able and comprehensive bill, introduced by the gentleman from Oklahoma [Mr. MORGAN], whose Republicanism can not be questioned. We found some valuable and well-considered and well-drafted provisions in his bill which we used with profit.

There is another bill by Representative MARTIN, of South Dakota, and another, along the same lines, by Representative ROBERTS, of Massachusetts, which we considered.

I think four times as many Republicans as Progressives have introduced bills of this character in this same Congress. I know the gentleman from Kansas did not know anything about that fact, but the records of our committee show that these are the facts, and I am glad to bring the credit of these facts before the House. We have already and many times pointed out

in our minority report and in our remarks that our Republican platform indicates about the line of this measure, and we had the mandate of our party platform in mind in our formulation and support of it. It follows the recommendation of President Taft in his message, I think, in 1912. It followed, in part, the recommendations of Attorney General Wickersham as to some of the most valuable provisions contained in this bill.

Our Democratic colleagues were informed of these facts, and freely conceded the credit of all of them. They realized that the way had been blazed by the practical statesmanship of the Republican leaders, and that the safest and best line of action now would be to do about what the Republicans would have done had the responsibility at this time been cast upon us. The Republicans always try to be genuinely constructive, and regard conditions as they are, and seek a practical remedy for conceded evils which will really aid in curing them without causing a vastly greater distress by causing chaos and disaster, which would certainly follow the enactment of such a measure as proposed by the gentleman from Kansas. There is nothing startling or sensational about our measure, but it will stand the test of practical experience. So I think that the Republicans have a right, and they have assumed this right which has been freely granted by our Democratic brethren, to do the best we can to assist them in preparing a bill which shall be of real benefit to the country along the line of Republican leadership and the Republican platform. [Applause.]

Mr. GRAHAM of Illinois. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I do not agree with the views expressed by the gentleman from Minnesota—

Mr. COVINGTON. Mr. Chairman, will the gentleman yield to me for one moment? I desire to ask unanimous consent that all debate on this amendment close in five minutes.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent that all debate on this amendment close in five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GRAHAM of Illinois. Mr. Chairman, I do not agree with the gentleman from Minnesota [Mr. STEVENS]. The amendment offered by the gentleman from Illinois [Mr. FOWLER] is not in the nature of a defective provision, and it does not bear any of the earmarks of such a provision, in my opinion. The principle involved in it is as old as the common law. In nearly every State in the Union I think the State provides for what are called *qui tam* actions, whereby, if certain laws are violated, anyone who knows of the violation can prosecute and can recover a certain per cent of the amount given in judgment against the offender. That is the principle involved in this amendment offered by the gentleman from Illinois, and it is sound and it is wise. I think the principle is not only sound, but I think the policy involved in it is a very wise policy. There have been in the past, I believe, serious violations of the antitrust law. There are many instances of contracts with the Government where those contracts have been willfully and materially violated; where frauds, in my judgment, have been perpetrated upon the Government; and this is just as good a place as any where a provision may be inserted in the law covering these fraudulent violations by contracting parties with the Government of the United States.

Now, the question before us at this time is that if this amendment be agreed to, if this provision be approved, it will be inserted in the bill at any point where it will fit. As my colleague has said, the leader of the Democratic Party in the Senate has approved of it by introducing a bill from which this amendment is taken. If it is not adopted now, the chances of its immediate adoption are not very bright, and it is very clear that such a provision as this ought to be inserted at this time, so that it may become the law of the land as soon as practicable, and that an impetus may be given to those who have knowledge of such facts to produce them. It is said that this commission is not the proper tribunal before which to bring such complaints, but this body is at least quasi judicial and probably will have as much time as a court to hear complaints of this character and pass upon them. I sincerely trust, Mr. Chairman, that this provision will be approved of by the committee at this time and incorporated into this bill at a point where it will fit.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. FOWLER].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

The information obtained by the commission in the exercise of the powers, authority, and duties conferred upon it by this section may be made public, in the discretion of the commission.

Mr. MURDOCK. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman from Maryland a question. This is the section which provides for taking

over by the commission of the Bureau of Corporations. Now, the Bureau of Corporations in years past has investigated several of the larger corporations—the Beef Trust, the oil industry, the Harvester Trust, and so forth—and a portion of that information which they collated was published, but there must have been a world of it which was not published, for various reasons. Now, is that information in existence in that bureau?

Mr. COVINGTON. I can not state whether all the information that was unpublished in those three great investigations is actually in existence, but I will say that in order to preserve and transfer to the possession of the commission all papers that are now in existence we have provided very careful phraseology near the top of page 4, that all records, papers, and documents now in existence in the Bureau of Corporations shall be transferred to and become the property of the commission.

Mr. MURDOCK. So those would go over?

Mr. COVINGTON. Those would go over.

Mr. MURDOCK. Another question. In the early part of the history of the Bureau of Corporations a very strong recommendation was made for a law creating a Federal license, which the gentleman from Maryland will remember, to be administered by this Bureau of Corporations.

Now, if in the future such a law is passed, and in all probability it will some time become law, would that naturally, then, put the administration of that law in this new commission?

Mr. COVINGTON. That would depend entirely—

Mr. MURDOCK. Upon the law itself?

Mr. COVINGTON. But, unquestionably, if there were a scheme for Federal incorporation carried out upon the plan recommended by Commissioner Garfield, for he was the Commissioner of Corporations who made that recommendation, it would almost of necessity vest in the Interstate Trade Commission the administration of the plan. I do not think that I quite agree with the gentleman from Kansas [Mr. MURDOCK], however, in his statement that Federal incorporation is almost a certainty in the very near future. To my mind it is yet a long way off.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word for the purpose of obtaining information. I would like to have the attention of the gentleman from Maryland [Mr. COVINGTON]. I wish to ask him what added powers, other than those which are conferred in other sections of the bill, are transferred to the commission, other than those now possessed by the Bureau of Corporations, by this section?

What are those powers which they would otherwise have if no powers were transferred by this section? In this connection, as the gentleman knows, all the powers they now have are under the direction and control of the Secretary of Commerce. Now, the Secretary of Commerce being deprived of his directory power, what powers would be transferred which are not incorporated in other sections of this bill?

Mr. COVINGTON. The answer to that is that, after a very careful examination of the statute and the peculiar phraseology of it, creating the Bureau of Corporations and the Commissioner of Corporations, the committee came unanimously to the conclusion that the powers, and the duties as well, of both the Bureau of Corporations and the Commissioner of Corporations—for that is the language used—were not dependent upon the direction of the Secretary of Commerce; but the manner of the exercise of those powers was dependent upon his direction, the powers and duties inhering in the bureau and in the commissioner. Consequently they were such that they could be vested in the commission and made exercisable by it independently of the Secretary of Commerce, just as though an act of Congress had repealed that clause directing them to be exercised by the Secretary of Commerce, and which would leave the powers in their full vigor, to be exercised independently by the Bureau and by the Commissioner of Corporations.

Mr. STEVENS of Minnesota. Is not this what the gentleman from Wisconsin desires? I read from the act creating the Bureau of Corporations, which power is not contained in any other provision of the bill and is probably the most important so far as the general business world is concerned of anything in the measure. It says:

It shall also be the province and duty of said bureau to gather, compile, publish, and supply useful information concerning corporations doing business within the limits of the United States as shall engage in interstate commerce or any commerce between the United States and any foreign country, including corporations engaged in insurance, and to attend to such other duties as may be hereafter provided by law.

The effect of that as construed is and will be, as we hope, that the general mass of information that the men of this country desire will be gathered under that provision and may be published under that provision. If any of them desire in-

formation as to its business, that information will be furnished under this provision.

Mr. STAFFORD. That power will be transferred to the new commission which is not specifically in other sections of the bill?

Mr. STEVENS of Minnesota. This is not incorporated in any other part of the bill, and that is one of the most useful functions of the commission.

Mr. STAFFORD. In that connection I wish to ask another question. Although you make a transfer of all clerks and employees now employed at the bureau by this section, is there any provision for the transfer of the deputy commissioner?

Mr. COVINGTON. I will state that that office has been abolished entirely.

Mr. MURRAY of Oklahoma. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

Mr. BARTLETT. Mr. Chairman, some question was asked as to what became of the record of the investigation by the Bureau of Corporations—

Mr. MURDOCK. I asked that.

Mr. BARTLETT. I have seen it stated in the press and heard it stated that the records of the Harvester Trust investigation, when it was suggested that the Senate was about to make an investigation, were taken from the office of the Bureau of Corporations and carried to the White House by a former President of the United States.

Mr. STAFFORD. And I presume they are still intact in possession of that former President or some person in behalf of the Government.

Mr. BARTLETT. I never heard of them being returned by the President.

Mr. COVINGTON. I think they may be at Oyster Bay.

Mr. BARTLETT. Yes; I think they may be at Oyster Bay.

Mr. TALCOTT of New York. Or they may be floating on the current of the unknown river.

Mr. BARKLEY. He may have dropped them down in that new river which he discovered.

The CHAIRMAN. The gentleman from Oklahoma [Mr. MURRAY] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 4, line 20, after the word "this," strike out the word "section" and insert the following: "act shall be furnished to the Interstate Commerce Commission and to all railroad or corporation commissions of the several States and Territories," so that the paragraph as amended will read:

"The information obtained by the commission in the exercise of the powers, authority, and duties conferred upon it by this act shall be furnished to the Interstate Commerce Commission and to all railroad or corporation commissions of the several States and Territories, and may be made public, in the discretion of the commission."

Mr. ADAMSON. Mr. Chairman, I ask unanimous consent that the amendment be reported again.

The CHAIRMAN. Without objection, the Clerk will report the amendment.

The amendment was again read.

Mr. ADAMSON. Let the Clerk indicate how the provision will read as amended.

The Clerk read as follows:

So that the amendment will read: "The information obtained by the commission in the exercise of the powers, authority, and duties conferred upon it by this section shall be furnished to the Interstate Commerce Commission and to all railroad or corporation commissions of the several States and Territories, and may be made public, in the discretion of the commission."

Mr. MURRAY of Oklahoma rose.

Mr. TOWNER. Mr. Chairman, will the gentleman yield for a question, suggested by his amendment, before he begins?

Mr. MURRAY of Oklahoma. Yes, sir.

Mr. TOWNER. As I understood it, ought not the amendment to read, "Upon request"? It was the intention that this information should be furnished upon request to such commission?

Mr. MURRAY of Oklahoma. I think I would have answered that if the question had not been asked.

Mr. TOWNER. Then I beg the gentleman's pardon.

Mr. MURRAY of Oklahoma. Mr. Chairman, the purpose of this amendment is to furnish an instrument of "information and publicity" as a "clearing house" for facts by which the public mind and the managers of business interests shall be guided, so runs the committee report. It is suggested, further, with a view to aiding the courts.

There are two ways by which this information may serve the public. One is, as suggested in the bill, to procure a basis upon which the President may predicate a recommendation to Congress, or upon which Congress may enact legislation. Another

is in the matter of regulating such corporations as are under the control of the different branches of the Government.

Now, I call the attention of the committee to this fact: You can go to the Treasury Department and get the names of the stockholders of the banks of the country. You can go to the Interstate Commerce Commission and get certain information with reference to the railroads. You can not go anywhere and get official information concerning the operation of the Standard Oil Corporation or its allied concerns. You ought to have official information of the output every day, of the raw product, of the refined product, of the demand of the country for oil, so that in a given section or field we may know to a certainty whether or not there is an overproduction, as is claimed by the Standard Oil interests whenever it seeks to control the independent operator.

In our State the railroad and corporation commission has a power that no other like body possesses, because it has legislative and judicial powers as well as executive powers. No other body on this continent possesses such powers. They can get information where it relates to intrastate, but not where it relates to interstate, commerce or business. The Interstate Commerce Commission itself can not get full and complete information under the powers that Congress has granted to it. More than once have they sent their representatives to Oklahoma to get information with reference to railroads in that State.

Now, a corporation commission like ours, that may regulate all public-service corporations or quasi public-service corporations, or any other institutions wherein a trust appears, including grain separators and cotton gins, as well as electric lights, railroads, and things of that sort, ought to have such information as it is not now able to obtain. Certainly the purpose of this commission is to procure information and to secure evidence, and if that evidence is not forthcoming to the different commissions of the country in the various States which could not, as you will readily understand, get hold of it, then it would be of very little benefit. I do not believe for a moment that this House or that this committee would object to the requirement of furnishing such information to the Interstate Commerce Commission and to the various railroad commissions of the States. They, of course, will not ask it except in cases where it concerns things under their charge and control, leaving the other matters to be "published in the discretion of the commission."

I call attention to the fact also that if you get partial information by this bill and do not get all you can not predicate upon it sound legislation, nor can the President, upon it as a basis, make a proper recommendation as to legislation; and you may rest assured that these corporations will not give you any information except that which they want to give you, unless you compel them to do it.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. MURRAY of Oklahoma. Well, Mr. Chairman, I heard the gentleman from Maryland [Mr. COVINGTON] say he was going to object to granting any further time, and so I will not proceed.

Mr. COVINGTON. I did not say that.

Mr. ADAMSON. I hope the gentleman will not ask for more time. I love him so well that he will take less offense if I decline to give him more time than anybody else would in the House.

Mr. MURRAY of Oklahoma. Mr. Chairman, will the committee stand 10 minutes more?

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to proceed for 10 minutes more. Is there objection?

Mr. MURRAY of Oklahoma. Mr. Chairman, I will not insist on it now, but will ask for time in a few moments on another amendment that is more important than this.

Mr. COVINGTON. Mr. Chairman, I want the committee to understand that I appreciate the purpose of the gentleman from Oklahoma in offering this amendment; but it just shows how even in a bill as technically framed as this, and as carefully constructed as this, the offering of a chance amendment prepared outside may destroy the very purposes or purpose that this bill seeks to effectuate.

This amendment is offered to the section which transfers the powers of the Bureau of Corporations to the interstate trade commission. One of the most serious objections to that bureau at the time it was created, in the administration of the then President Roosevelt, was that he was able, through the statute then written, to hold in the hollow of his hand and use at his imperious will the information gathered by the investigations conducted under it; and one of the motives of this committee in transferring these powers in the way that they are trans-

ferred was to provide that the information obtained should be made public under this section at the discretion of the commission. If we strike out the words in this section and insert the words "shall be furnished to the Interstate Commerce Commission and to all railroads or corporation commissions" the effect will be to eliminate entirely that provision which makes this publicity a real, independent publicity, and will restore to the control of the President entirely the publicity obtained under that section.

Mr. MURRAY of Oklahoma. Will the gentleman yield?

Mr. COVINGTON. I yield to the gentleman.

Mr. MURRAY of Oklahoma. I do not change the power of publicity provided here, and I would not ask that all this information be published. I realize that for business reasons certain information ought not to be published, but when it relates to those peculiar things under the control of the State corporations of the different States, they ought to have the right to that information, and the gentleman understands how difficult it is to get it without making it compulsory.

Mr. COVINGTON. I think the gentleman from Oklahoma [Mr. MURRAY] will appreciate that if there is merit in his proposition he has offered it to the wrong section. This section does not pretend to do anything except to transfer the powers now existing in the Bureau of Corporations to this independent commission. It does not relate to the investigations that may be conducted under the other sections. It does not relate to the information which may be elicited by virtue of the independent requirements for annual and special reports which we provide shall inhere in this commission, but it relates entirely to the removing from the control of the Executive the power that he now has over the information gathered by the Bureau of Corporations. The commission itself is given complete control of the publicity of that information, and if the gentleman's amendment prevails the result will be simply to make the commission subordinate to the President in matters of publicity, as the Bureau of Corporations now is.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. MURRAY].

The amendment was rejected.

The Clerk read as follows:

Sec. 5. That, with the exception of the secretary and a clerk to each commissioner, all employees of the commission shall be a part of the classified civil service, and shall enter the service under such rules and regulations as may be prescribed by the commission and by the Civil Service Commission.

Mr. TOWNER. Mr. Chairman, I think it is perhaps generally admitted that it will be necessary to appoint attorneys to assist the commission, will it not?

Mr. COVINGTON. Unquestionably.

Mr. TOWNER. I think you would hardly expect those attorneys to be under the Civil Service Commission.

Mr. COVINGTON. I think if the gentleman will examine the second paragraph of section 8 of the bill he will find that there is an express provision, in very much the same language as that contained in the act to regulate commerce, whereby necessary special attorneys and experts are authorized to be employed, just as we have special attorneys and agents of the Interstate Commerce Commission, entirely outside of the classified service.

The Clerk read as follows:

Sec. 6. That the words defined in this section shall have the following meaning when found in this act, to wit:

"Commerce" means such commerce as Congress has the power to regulate under the Constitution.

"Corporation" means a body incorporated under law, and also joint-stock associations and all other associations having shares of capital or capital stock or organized to carry on business with a view to profit.

"Capital" means the stocks and bonds issued and the surplus owned by a corporation.

"Antitrust acts" means the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890; also the sections 73 to 77, inclusive, of an act entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," approved August 27, 1894; and also the act entitled "An act to amend sections 73 and 76 of the act of August 27, 1894, entitled 'An act to reduce taxation, to provide revenue for the Government, and for other purposes,'" approved February 12, 1913.

"Acts to regulate commerce" means the act entitled "An act to regulate commerce," approved February 14, 1887, and all amendments thereto.

"Documentary evidence" means all documents, papers, and correspondence in existence at and after the passage of this act.

Mr. TOWNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 5, line 14, after the word "Constitution," strike out the period and insert a comma and add the following: "excepting commerce subject to the act to regulate commerce."

Mr. TOWNER. Mr. Chairman, the gentleman in charge of the bill will remember that when he was addressing the House

the other day I called his attention to this definition of "commerce." The word "commerce" is used in various parts of the bill, and under this broad definition it would include all transportation companies and railways.

I call the attention of the gentleman to the fact that section 9 contains these words:

Every corporation engaged in commerce, excepting corporations subject to the act to regulate commerce.

There is the limitation that ought to be in this definition of "commerce." As the gentleman will remember, there are other provisions of the bill that refer to the word "commerce." Unless the word "commerce," as it is used here, is given the same limitation as is given in section 9, I think there will be confusion in the bill.

Mr. ADAMSON. I do not think it ought to be in section 9.

Mr. COVINGTON. I am glad to have the interruption of the gentleman from Iowa. As I stated fully in my speech presenting this bill to the House on Tuesday last, there is but a single section in this bill, and that is section 10, where the commission is given power, except by direction of the courts, to make any inquiry into the affairs of corporations subject to the act to regulate commerce.

In the exercise of the powers under section 10 it is emphatically not intended to limit the operations of the commission to corporations not subject to the act to regulate commerce. It is intended to include all corporations. Common carriers connected with and so related to industrial corporations, great plants along their lines, as practically to constitute a unit in a combination are clearly within the purview of the existing antitrust law. That sort of a combination in restraint of trade may need a thorough investigation; and if the interstate trade commission is not to be permitted, in making such an investigation, to cross the line of the industry and go into the books of the common carrier to the extent of discovering whether the antitrust laws are actually being violated by it, the investigation under section 10 would be often fruitless. I think the gentleman will find, therefore, that the amendment he suggests is both unwise and unnecessary.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was rejected.

Mr. TOWNER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 5, line 17, strike out the word "or" following the word "stock."

Mr. TOWNER. Mr. Chairman, I think that word "or" must have been used inadvertently. It certainly should be used only, not in the disjunctive, but as directly connected with that which precedes it. The intended meaning is that all organizations having shares of capital or capital stock organized to carry on business with a view to profit.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. Yes.

Mr. STAFFORD. Does not the phraseology as it now exists include partnerships or associations who carry on business with a view to profit?

Mr. TOWNER. Certainly; it was not the intention evidently to use the disjunctive and create another division. It was intended to further characterize the associations which have been previously described.

Mr. COVINGTON. Mr. Chairman, that whole definition was framed advisedly after we thrashed it out pretty thoroughly. Under some of the varied laws that exist in the States limited copartnerships and associations of various kinds, having limited liabilities of the same sort as corporations and practically coming within the scope of corporate responsibility, may be organized. There are at least one or two of these associations organized with a view to profit which now almost approach the status of a combination in restraint of trade. They might exist without having any capital stock at all. The gentleman will, I think, upon reflection, see that they ought to be reached by the provisions of this bill.

Mr. TOWNER. Mr. Chairman, I think the entire bill would have to be reconstructed if it is intended now to include partnerships within the operation of this law.

Mr. GRAHAM of Illinois. Mr. Chairman, I wish to offer an amendment.

The CHAIRMAN (Mr. BARTLETT). Does the gentleman yield?

Mr. COVINGTON. I yield for a question, but I think the gentleman from Iowa has the floor, and there is an amendment pending.

The CHAIRMAN. The gentleman from Iowa has the floor.

Mr. GRAHAM of Illinois. Mr. Chairman, I desire to offer an amendment.

Mr. TOWNER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TOWNER. As I understand, there is only one question which is before the House, and that is my amendment.

The CHAIRMAN. The gentleman desires to offer another amendment.

Mr. TOWNER. In the nature of a substitute?

The CHAIRMAN. The gentleman has not yet offered his amendment, so the Chair can not tell.

Mr. GRAHAM of Illinois. My amendment applies to another section, and I shall withhold it and ask recognition later.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was rejected.

Mr. GRAHAM of Illinois. Mr. Chairman, in order to get the attention of the gentleman from Maryland, on page 6, line 13, I move to insert after the word "all" the word "material," so it will read:

Documentary evidence means all material documents.

And so forth.

I make the motion for the purpose of asking the gentleman from Maryland a question as to why there is not some limitation.

Mr. COVINGTON. We think the courts, after all, are the proper places to determine what documents, as well as what personal evidence, may or may not be material. The word "documents," in order to be an efficacious word, must be practically all embracing, so as to cover all documents; and whenever documents are compelled to be produced, the burden of showing that such documents which the commission, in an investigation, or in any other proceeding under this act, desires to have access to ought not to be produced, should be upon the corporation. The case may be carried to the courts, and they will protect the corporations in the unlikely event that their constitutional rights are being invaded.

Mr. GRAHAM of Illinois. The language as it now stands is so broad it gives the commission power to make any citizen bring in any documents or papers or correspondence that he controls. What I wanted to know is whether the gentleman's committee had taken that into consideration and had then formulated the language as it is printed?

Mr. STEVENS of Minnesota. Does not this solve the matter? Under the Constitution this commission can conduct only two lines of investigation, one that shall be in the nature of an assistance to a judicial proceeding which must be distinct and clear, and of course any document that pertains to the proceeding must be material. The other line of investigation must be an investigation in the line of legislative action, or practically that, and in order to have any effectiveness it must be followed by specific public action. Now, the investigation pursues a concrete line of inquiry on a certain concrete subject, and of course the court can only construe those words with reference to the particular thing that the commission is doing at the time and for which they require the documents, so that the amendment of the gentleman is unnecessary for the reason that the whole bill would only be constitutional on the theory that the particular investigation was judicial on the one side or legislative on the other, and that those documents must pertain at the time to the particular thing that the commission has authority to do.

Mr. GRAHAM of Illinois. And who is to determine that question?

Mr. STEVENS of Minnesota. Of course that is a matter for the court.

Mr. MURRAY of Oklahoma. Will the gentleman yield?

Mr. STEVENS of Minnesota. The gentleman from Illinois has the floor.

Mr. MURRAY of Oklahoma. Does the gentleman for a moment contend we could not make legislation here that would be constitutional to get this information for any purpose?

Mr. STEVENS of Minnesota. It is very clear we could not. The Supreme Court has decided time and time again the question involving the powers of this very House. In the celebrated Kilbourn case they held that we have no right to make a drag-net investigation.

Mr. MURRAY of Oklahoma. The House is different—

Mr. GRAHAM of Illinois. Mr. Chairman, I can not yield further. There is one other question I want to suggest, and I do not care whether the gentleman from Minnesota or the gentleman from Maryland answers it. As the language reads now is it not a violation of the constitutional provision in reference to unlawful seizure?

Mr. STEVENS of Minnesota. No; for the reason that the courts would construe it in connection with the particular proceeding that the commission was undertaking.

Mr. GRAHAM of Illinois. Does not this commission get power first to compel its production before it can go to the court to be passed upon?

Mr. STEVENS of Minnesota. No; the commission gets its authority from the law to conduct a particular proceeding either legislative or judicial. That particular proceeding is along a certain line, to which certain facts are relevant. Within that scope of relevancy these documents can be obtained, and the court would construe this language so as to come within the relevancy of the proceeding that the commission would undertake. That is all.

Mr. GRAHAM of Illinois. Mr. Chairman, I simply made the motion in order to get light on this point, and while the light does not completely satisfy me, yet I withdraw the amendment.

The CHAIRMAN. The gentleman asks unanimous consent to withdraw his amendment. Is there objection? [After a pause.] The Chair hears none.

Mr. TOWNER. I desire to offer an amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment while the Clerk will report.

The Clerk read as follows:

Page 6, line 15, insert a new paragraph, as follows:

"That the powers and jurisdiction herein conferred upon the commission shall extend over all trade associations, corporate combinations, and corporations, as hereinbefore defined, engaged in or affecting commerce, except banks and financial corporations, and such corporations as are subject to control by the Interstate Commerce Commission."

Mr. TOWNER. Mr. Chairman, nowhere in this act is there an express statement of the classes of corporations over which it is to operate, and now since we have had the idea of the gentleman with regard to the section that I referred to a moment ago, it is more indefinite than ever. There can be nothing that will so discredit this act as indefiniteness. Now, it occurs to me that the opinion of the country is settled as to what should be the scope of the operations of this act. We have now the Interstate Commerce Commission, that has control over the transportation companies of the land. We have now established the Federal Banking Reserve System, which will have control of those matters. It is now sought to establish, and I want to aid in every possible way that I can in that laudable undertaking, a great trade commission that shall have jurisdiction over the great trade combinations and corporations of this country. It occurs to me that this bill without a declaration of what it is to operate upon is very much like the tragedy of "Hamlet" with the part of Hamlet left out of it. Certainly we can not now answer, if the inquiry is made, as to what is the scope of the jurisdiction of this trade commission. I want to say to the members of the committee that this definition of what shall be the objects and purposes and the jurisdiction of this trade commission is what has already been agreed upon by the subcommittee of the Senate in defining and fixing the jurisdiction, as they do, of the trade commission, so that we shall have in advance placed ourselves in harmony with their action upon that great subject. I can conceive of no reason why this should not be done or why the definition that I have set forth there does not meet every purpose specified by those who have the passage of this bill in their desire.

Mr. MURDOCK. Will the gentleman yield?

Mr. TOWNER. Certainly.

Mr. MURDOCK. What divisions does the gentleman make as to corporations, associations, and so forth?

Mr. TOWNER. I will give the gentleman the exact language. It says:

"That the powers and jurisdiction herein conferred upon the commission shall extend over all trade associations, corporate combinations, and corporations, as hereinbefore defined, engaged in or affecting commerce, except banks and financial corporations, and such corporations as are subject to control by the Interstate Commerce Commission."

Mr. MURDOCK. Your exclusion then would include pipe lines?

Mr. TOWNER. Oh, certainly. They are subject to the Interstate Commerce Commission.

Mr. MURDOCK. Now, the corporate combinations would include joint stock companies?

Mr. TOWNER. Yes; holding companies and everything of that kind?

Mr. WILLIS. Will the gentleman yield?

Mr. TOWNER. Certainly.

Mr. WILLIS. In his judgment what would be included in that phrase "financial corporations"?

Mr. TOWNER. I think those which are exclusively trust companies and business of that kind which are now under the control of the Federal Reserve Board, or will be.

Mr. WILLIS. That is the very point. Are they under such control?

Mr. TOWNER. They are not now, all of them.

Mr. WILLIS. They are not under any law. Now, would it not narrow the purpose of this law to exclude them? Would it not be desirable that they as well as the banks should come under the terms of this bill?

Mr. TOWNER. I should say emphatically no, because their supervision and control should not be committed to a Federal trade commission. It ought to go to the Federal Reserve Banking System. Financial combinations of the country should be subject to its control.

Mr. MADDEN. Will the gentleman yield to me there?

Mr. TOWNER. Yes.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. TOWNER] has expired.

Mr. TOWNER. Mr. Chairman, I ask for five minutes more.

Mr. ADAMSON. I can not allow that. I will give notice that no man can have more time than five minutes.

The CHAIRMAN. The gentleman from Georgia [Mr. ADAMSON] objects.

Mr. STEVENS of Minnesota. Mr. Chairman, I think that the gentleman from Ohio [Mr. WILLIS] well stated the objection to the amendment of the gentleman from Iowa [Mr. TOWNER]. It would narrow the scope of this bill. This very section, on page 5, line 15, defines what would come under the scope of the bill under the definition of "corporations." It is defined as "a body incorporated under law," and it also defines and describes "joint-stock associations and all other associations having shares of capital or capital stock or organized to carry on business with a view to profit." That includes all sorts of corporations and organizations—copartnerships and all.

Now, the principal section of the bill giving the power to investigate, to order, and to receive reports, is section 9, which reads as follows—that is, the beginning of it: "That every corporation engaged in commerce"—that is to say, every one of these legal entities just defined and described engaged in interstate or foreign commerce comes within the scope of the bill, so that it is not necessary to make any reference to the financial institutions at all. They do not come within the scope of the bill unless they engage in commerce, as described on page 5, and if they do engage in commerce they ought to come within the scope of the bill.

Mr. WILLIS. Mr. Chairman, will the gentleman yield right there?

The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from Ohio?

Mr. STEVENS of Minnesota. Certainly.

Mr. WILLIS. I will call the gentleman's attention to section 10. This section includes the investigation of the alleged violation of the antitrust act by any corporation. Now, if the amendment offered by the gentleman from Iowa [Mr. TOWNER] should prevail, it would not be possible to have an investigation which in any way involved a financial corporation.

Mr. STEVENS of Minnesota. The gentleman makes a good suggestion. If I recall rightly, the old charter of the Chemical Bank, in New York, was not based solely upon a banking privilege but upon some industrial privilege. I have no doubt that there are many financial institutions of that sort in this country which are engaged in some industrial pursuit that would come within the scope of this act. We can not, and ought not, to separate the two functions. They ought to be under the jurisdiction of this commission in order to protect the public, in order that all of their public operations should be supervised, just the same as where a railroad company engages in work outside of that of a public carrier. In that case such work ought to come within the scope of this commission for investigation. So that it is not safe now to make such a change in the phraseology, where the committee has gone over this matter so carefully, and defined the word "corporation" as carefully as we have done, and defined and measured, as we have, the authority in sections 9, 10, and 11. I very much fear the amendment of the gentleman from Iowa would restrict the power and functions of the commission.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from Kansas?

Mr. STEVENS of Minnesota. Certainly.

Mr. MURDOCK. Does the gentleman from Minnesota contend that the word "corporation" in section 9 covers everything in the way of a holding company?

Mr. STEVENS of Minnesota. Yes; every corporation engaged in commerce except common carriers, and even as to them I do not know but that we include their operations outside of public carriage regulated by the interstate-commerce acts.

Mr. MURDOCK. It would cover trust companies and holding companies?

Mr. STEVENS of Minnesota. Yes; it would cover every sort of corporation that engages in interstate commerce except common carriers.

Mr. MADDEN. Mr. Chairman, I suggest that it is now half past 5 o'clock, and under the rule it is time that the committee should rise and that the House should take a recess.

Mr. STEVENS of Minnesota. Let us have a vote, Mr. Chairman.

Mr. MADDEN. Under the rules of the House, under which we are considering this bill, we are to quit at not later than 5.30.

Mr. GARRETT of Tennessee. That applies only to general debate.

Mr. ADAMSON. The rule referred to by the gentleman from Illinois [Mr. MADDEN] covers only general debate. We are not now in general debate. However, as we have lost so much time to-day, we did hope gentlemen would be willing to run along until 6 o'clock, to see how far we can get.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] makes the point that under the rule this is the time to take a recess. This is the rule:

During the continuance of this order of business, except on Wednesdays, the House shall meet each day at 11 o'clock a. m. And while the general debate is in progress the House shall recess at not later than 5.30 p. m., until 8 o'clock p. m., when it shall reconvene and continue in session until not later than 11 o'clock p. m.

Mr. ADAMSON. If the Chair will observe, he will notice that the recess provision applies only to general debate.

The CHAIRMAN. The Chair was going to rule that this does not hold during the debate under the five-minute rule.

Mr. ADAMSON. Let me say to the gentleman from Illinois [Mr. MADDEN] that I would like to run until 6 o'clock, if he is content.

Mr. MADDEN. Mr. Chairman, I make the point of no quorum. The Chair can not overrule that unless there is a quorum here.

The CHAIRMAN. The Chair will count.

Mr. ADAMSON. Mr. Chairman, I hope the gentleman will not make his point of no quorum. I just stated that we agreed with the gentleman from Wisconsin that we would rise at a quarter to 6 o'clock. I want to get as near 6 o'clock as we can, because we lost a lot of time to-day.

The CHAIRMAN (after counting). There is no quorum present; there are 61 Members.

Mr. ADAMSON. I did not understand, Mr. Chairman, that the gentleman from Illinois insisted upon his point of order. I think I will let the roll be called. I had agreed with the gentleman from Wisconsin that we would run until a quarter to 6; but if the gentleman from Illinois makes the point of no quorum, let the Clerk call the roll.

The CHAIRMAN. The Clerk will call the roll.

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

Adair	Copley	Goldfogle	Konop
Alken	Cramton	Goulden	Korby
Ainey	Crisp	Griffin	Kreider
Ansberry	Dale	Gudger	Lafferty
Anthony	Danforth	Guernsey	La Follette
Austin	Deltrick	Hamill	Langham
Avis	Dent	Hamilton, N. Y.	Langley
Barchfield	Dickinson	Hamlin	Lee, Ga.
Bartholdt	Difenderfer	Hardwick	Lee, Pa.
Bathrick	Donovan	Harris	L'Engle
Bell, Ga.	Driscoll	Harrison	Lenroot
Booher	Drukker	Hart	Lever
Borchers	Dunn	Hayes	Levy
Borland	Dyer	Heflin	Lewis, Pa.
Bowdle	Eagle	Helgesen	Lindbergh
Broussard	Edmonds	Helm	Lindquist
Brown, N. Y.	Elder	Henry	Lobeck
Brown, W. Va.	Estopinal	Hill	Loft
Browne, Wis.	Evans	Hinds	Logue
Browning	Fairchild	Hobson	McAndrews
Bruckner	Falson	Houston	McClellan
Brumbaugh	Farr	Howard	McDermott
Burke, Pa.	Fergusson	Hoxworth	McGillcuddy
Butler	Ferlis	Hughes, W. Va.	McGuire, Okla.
Callaway	Finley	Humphreys, Miss.	McKenzie
Campbell	Fitzgerald	Johnson, S. C.	MacDonald
Canfor	Flood, Va.	Jones	Maguire, Nebr.
Cantrill	Fordney	Keister	Mahan
Carew	Frear	Kelley, Mich.	Maher
Carlin	Gard	Kelly, Pa.	Manahan
Carter	Gardner	Kennedy, Conn.	Mann
Casey	Garner	Kennedy, Iowa	Martin
Chandler, N. Y.	Garrett, Tex.	Kennedy, R. I.	Merritt
Clancy	George	Kent	Metz
Clark, Fla.	Gerry	Key, Ohio	Miller
Clayton	Gillett	Kless, Pa.	Moon
Coady	Gittins	Kindel	Morgan, La.
Collier	Glass	Kinkaid, Nebr.	Morin
Connolly, Iowa	Godwin, N. C.	Kirkpatrick	Morrison
Cooper	Goeke	Kitchin	Moss, Ind.

Moss, W. Va.	Porter	Sherley	Townsend
Mott	Pou	Sherwood	Treadway
Murray, Mass.	Prouty	Shreve	Tribble
Nelson	Ragsdale	Sims	Tuttle
Nolan, J. I.	Rainey	Sisson	Underhill
O'Brien	Rauch	Slayden	Underwood
O'Hair	Reilly, Conn.	Slomp	Vollmer
Oldfield	Riordan	Smith, Samuel W.	Walker
O'Leary	Rogers	Smith, Minn.	Wallin
O'Shaunessy	Rothermel	Smith, Tex.	Walsh
Page, N. C.	Rouse	Sparkman	Whaley
Palge, Mass.	Rubey	Stanley	Whitacre
Palmer	Rucker	Steenerson	White
Parker	Rupley	Stephens, Miss.	Williams
Patten, N. Y.	Sabath	Stephens, Nebr.	Wilson, Fla.
Patton, Pa.	Scott	Stevens, N. H.	Wilson, N. Y.
Payne	Seully	Stout	Winslow
Peters, Me.	Seldomridge	Stringer	
Peters, Mass.	Sells	Taggart	
Phelan	Shackelford	Taylor, Ala.	
Piumley	Sharp	Taylor, Colo.	

During the roll call,

Mr. ADAMSON. Mr. Chairman, with the consent of the gentleman from Illinois [Mr. MADDEN], who made the point of no quorum, I ask unanimous consent to vacate the proceedings under the call, and the gentleman asks to withdraw the point of no quorum.

Mr. MADDEN. I did not agree to withdraw the point of no quorum.

Mr. MURDOCK. The regular order is to call this roll.

Mr. ADAMSON. I misunderstood the gentleman from Illinois. Let the roll call go on.

Mr. MADDEN. I understood that the gentleman from Georgia was going to ask unanimous consent to discontinue the further calling of the roll.

Mr. ADAMSON. I could not ask that unless the gentleman from Illinois consented to withdraw the point of no quorum. I want a vote on this amendment, and am willing then to move that the committee rise.

The CHAIRMAN. The Clerk will proceed with the roll call.

The Clerk resumed and completed the calling of the roll.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HULL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes, found itself without a quorum; whereupon he directed the roll to be called, when 195 Members, a quorum, answered to their names, and he reported the names of the absentees to the House to be entered upon the Journal.

The SPEAKER. The committee will resume its session.

Mr. LINTHICUM. Mr. Speaker, I ask—

The SPEAKER. Under the rule nothing is in order except for the committee to resume its session.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The amendment was rejected.

Mr. ADAMSON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HULL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15613) to create an interstate trade commission, and other bills, and had come to no resolution thereon.

IMMIGRATION STATION IN BALTIMORE.

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 12806) authorizing the Secretary of War to grant the use of the Fort McHenry Military Reservation in the State of Maryland to the mayor and city council of Baltimore, a municipal corporation of the State of Maryland, making certain provisions in connection therewith, providing access to and from the site of the new immigration station, heretofore set aside, with Senate amendments thereto, and move to concur in the Senate amendments.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. STAFFORD. Mr. Speaker, I understand these are merely formal amendments to meet the wishes of the War Department?

Mr. LINTHICUM. That is the idea, and also the Department of Commerce.

Mr. STAFFORD. Mr. Speaker, I have no objection.

The SPEAKER. The Chair hears no objection. The question is on agreeing to the Senate amendments.

The Senate amendments were agreed to.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 4632. An act for the relief of settlers on the Fort Berthold, Cheyenne River, Standing Rock, Rosebud, and Pine Ridge Indian Reservations, in the States of North and South Dakota;

S. 4096. An act to amend the act authorizing the National Academy of Sciences to receive and hold trust funds for the promotion of science, and for other purposes; and

S. 5289. An act to provide for warning signals on vessels working on wrecks or engaged in dredging or other submarine work, and to amend section 2 of the act approved June 7, 1897, entitled "An act to adopt regulations for preventing collisions upon certain harbors, rivers, and inland waters of the United States."

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. BARTHOLOLT, for 10 days, on account of important business.

To Mr. BOWDLE, on account of investigation work connected with the Committee on the Merchant Marine and Fisheries.

DISPOSITION OF USELESS PAPERS.

Mr. TALBOTT of Maryland, from the Joint Select Committee on Disposition of Useless Executive Papers, to which was referred the letter of the Secretary of Commerce (H. Doc. No. 806) relative to files and papers not needed in the transaction of current business in his department, and of no permanent value or historical interest, submitted a report (No. 700) thereon, which was ordered to be printed.

ADJOURNMENT.

Mr. ADAMSON. Mr. Speaker, under the rule, I believe we are to meet at 11 o'clock to-morrow?

The SPEAKER. That is true.

Mr. ADAMSON. With emphasis on the 11 o'clock. I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 4 minutes p. m.), under the order heretofore made, the House adjourned until to-morrow, Friday, May 22, 1914, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting copy of communication of the Postmaster General submitting an estimate of appropriation for the purchase of land and erection of building in the city of Washington, D. C., for the use of mail-bag and mail-lock shops (H. Doc. No. 993); to the Committee on Public Buildings and Grounds and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting copy of communication of the Secretary of State submitting estimates of deficiencies in appropriations required by the Department of State on account of the service of the fiscal year ending June 30, 1914 (H. Doc. No. 994); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. WICKERSHAM, from the Committee on the Public Lands, to which was referred the bill (H. J. Res. 267) to disapprove an act of the Legislature of Alaska, reported the same with amendment, accompanied by a report (No. 699), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the bill (H. R. 12780) to provide for the payment of the claim of J. O. Modisette for services performed for the Chickasaw Indians of Oklahoma, reported the same without amendment, accompanied by a report (No. 696), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 10875) authorizing the Secretary of the Interior to

pay to J. H. Schmidt \$75 damages for trespass of certain Indian school cattle at Rainy Mountain School, in Oklahoma, reported the same with amendment, accompanied by a report (No. 697), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 11384) for the relief of Ivy L. Merrill, reported the same with amendment, accompanied by a report (No. 698), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 5384) granting an increase of pension to Catherine Casler; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 9007) granting a pension to Jennie A. Work; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 13926) granting an increase of pension to Mary E. Murry; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 14171) granting an increase of pension to D. J. Doughty; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 14678) granting a pension to Christiana Oetting; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 14787) granting a pension to John Murphy; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 15923) granting a pension to W. W. Batterton; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 15931) granting an increase of pension to William H. Hampshire; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 16283) granting a pension to Martha L. Rumell; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 16332) granting a pension to Sarah B. Scott; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 15045) for the relief of the heirs of William Pinkerton, sr., deceased; Committee on War Claims discharged, and referred to the Committee on Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CLAYTON: A bill (H. R. 16737) to amend an act approved February 28, 1913, entitled "An act to amend section 70 of an act entitled 'An act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911;'" to the Committee on the Judiciary.

By Mr. FERRIS: A bill (H. R. 16738) to provide for the payment of certain moneys to school districts in Oklahoma; to the Committee on the Public Lands.

By Mr. KENNEDY of Rhode Island: Memorial from the General Assembly of the State of Rhode Island, favoring Senate bill 2337, to create the coast guard by combining therein the existing Life-Saving Service and the Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BAILEY: A bill (H. R. 16739) for the relief of the widow of George Bott; to the Committee on Military Affairs.

By Mr. BRUMBAUGH: A bill (H. R. 16740) to remove the charge of desertion against Charles W. Borland; to the Committee on Military Affairs.

By Mr. CANTRILL: A bill (H. R. 16741) granting an increase of pension to Martha J. Read; to the Committee on Pensions.

By Mr. COX: A bill (H. R. 16742) granting an increase of pension to Martin B. Worrall; to the Committee on Invalid Pensions.

By Mr. DOUGHTON: A bill (H. R. 16743) to correct the military record of Smith F. Carroll; to the Committee on Military Affairs.

By Mr. FIELDS: A bill (H. R. 16744) for the relief of the legal representatives and heirs of Isaac Ingram, deceased; to the Committee on War Claims.

By Mr. FOSTER: A bill (H. R. 16745) granting an increase of pension to Arnold Rodgers; to the Committee on Invalid Pensions.

By Mr. GREGG: A bill (H. R. 16746) for the relief of J. J. Brooks; to the Committee on Claims.

By Mr. HAMILTON of Michigan: A bill (H. R. 16747) to correct the military records of the United States so as to muster Stewart C. Burt in and out of the service of the United States Army; to the Committee on Military Affairs.

By Mr. IGOE: A bill (H. R. 16748) granting an increase of pension to George Bender; to the Committee on Invalid Pensions.

By Mr. LEWIS of Maryland: A bill (H. R. 16749) for the relief of the trustees of Ebenezer African Methodist Episcopal Church, of Hagerstown, Md.; to the Committee on War Claims.

By Mr. NEELY of West Virginia: A bill (H. R. 16750) granting a pension to Elizabeth F. Brubaker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16751) granting a pension to Franklin Hawkins; to the Committee on Pensions.

Also, a bill (H. R. 16752) granting an increase of pension to Victor Fousse; to the Committee on Pensions.

By Mr. RAKER: A bill (H. R. 16753) granting a pension to Mary A. Folsom; to the Committee on Invalid Pensions.

By Mr. SMITH of Minnesota: A bill (H. R. 16754) granting an increase of pension to Melissa Chase; to the Committee on Invalid Pensions.

By Mr. TAYLOR of New York: A bill (H. R. 16755) authorizing and directing the Secretary of the Interior to execute and deliver a deed in favor of and to Ida Seymour Tulloch, Roberta Worms, and Ethel White Kimpell for subplot 38 of original lot 17 in reservation D upon the official plan of the city of Washington, in the District of Columbia; to the Committee on the District of Columbia.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Eleven telegrams from Honesdale, Pa., protesting against the passage of the Hobson national prohibition amendment; to the Committee on Rules.

Also (by request), resolutions from certain citizens of Athens, Tex.; Lapeer, Mich.; Catonsville, Md.; Scotia, Nebr.; Wheeling, W. Va.; Newman, Ill.; Dalton, Ohio; Albion, Ill.; Union, N. J.; Mexico, Pa.; Denver, Colo.; Argenta, Ill.; Syracuse, N. Y.; Oxford, Miss.; Dodge Center, Minn.; Byers, Colo.; and Cherryvale, Kans., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

By Mr. BAILEY (by request): Petitions of sundry citizens of Hollidaysburg, Johnstown, and Cambria County, all in the State of Pennsylvania, favoring national prohibition; to the Committee on Rules.

By Mr. BRITTEN: Petition of the First Swedish Methodist Episcopal Church of Chicago, Ill., favoring amendment prohibiting polygamy in the United States; to the Committee on the Judiciary.

By Mr. BRUMBAUGH: Papers to accompany a bill (H. R. 16176) for the relief of John W. Gilberson; to the Committee on Military Affairs.

By Mr. CANDLER of Mississippi: Petitions of various business men of the first congressional district of Mississippi, favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

By Mr. COOPER: Petitions of Local No. 277 of the Longshoreman's Association, Racine, Wis., and sundry citizens of Kenosha, Wis., against national prohibition; to the Committee on Rules.

Also, petition of Hon. J. A. Fathers, mayor, and other citizens of Janesville, Wis., against polygamy in the United States; to the Committee on the Judiciary.

By Mr. CURRY: Petition by R. W. Munson and congregation, numbering 300, of St. Helena, Cal., praying for the favorable consideration of the Hobson national constitutional prohibition resolution; to the Committee on Rules.

Also, petition of the Napa (Cal.) Christian Bible School, favoring Federal censorship of motion pictures; to the Committee on Education.

Also, petition of Mrs. Alice K. Murphy, county president of the San Joaquin County (Cal.) Woman's Christian Temperance Union, with a membership of about 400, praying for the favorable consideration of the Hobson national constitutional prohibition resolution; to the Committee on Rules.

Also, petition of 286 residents of the third California district, protesting against the Hobson national constitutional prohibition resolution; to the Committee on Rules.

By Mr. DALE: Petition of the Lord's Day Alliance of the United States, against section 6 of House bill 12923, to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petitions of sundry citizens of New York, against national prohibition; to the Committee on Rules.

By Mr. DONOVAN: Petitions of 15 citizens of Connecticut, against national prohibition; to the Committee on Rules.

By Mr. DOOLITTLE: Petition of sundry citizens of Kansas, favoring establishment of a bureau of farm loans in the United States Treasury Department; to the Committee on Banking and Currency.

By Mr. DOUGHTON: Papers to accompany a bill to correct the military record of Smith F. Carroll; to the Committee on Military Affairs.

By Mr. EAGLE: Petitions of sundry citizens of the eighth congressional district of Texas, against national prohibition; to the Committee on Rules.

By Mr. FITZGERALD: Petition of sundry citizens of New York, favoring House bill 12740, the machinist wage bill; to the Committee on Labor.

Also, petition of the Wine and Spirit Traders' Society of the United States, protesting against the so-called Hobson resolution, favoring an amendment to the Constitution prohibiting the importation or manufacture for sale of wines and liquors in the United States; to the Committee on Rules.

Also, petition of the Chamber of Commerce of Milwaukee, Wis., against national prohibition; to the Committee on Rules.

Also, petition of the Board of Trade, Pittsburgh, Pa., favoring national prohibition; to the Committee on Rules.

Also, petition of the board of managers of the New York Produce Exchange, against Senate bill 121, for inspection of grain entering interstate commerce; to the Committee on Interstate and Foreign Commerce.

Also, petition of the veterinary inspectors of the Bureau of Animal Industry Employees' Association, of New York City, favoring House bill 9292, providing for classification of salaries of the employees of the Bureau of Animal Industry, Department of Agriculture; to the Committee on Agriculture.

Also, petition of the Conference of Representatives of the Departments of Education of State Colleges and Universities, at Richmond, Va., February 21, 1914, favoring increased appropriation for United States Bureau of Education; to the Committee on Appropriations.

Also, petition of the Plattsburgh Centenary Commission of the State of New York, favoring erection of a memorial of the battle at Plattsburgh and on Lake Champlain; to the Committee on the Library.

Also, petition of the executive committee of the Scandinavian-American Technical School, of Brooklyn, N. Y., favoring House bill 11846, to erect a memorial to John Ericsson; to the Committee on the Library.

By Mr. GILMORE: Petition of Lettish Branch, No. 1, of the Boston (Mass.) Socialist Party, relative to conditions in Mexico; to the Committee on Foreign Affairs.

Also, petition of the Brockton (Mass.) Central Labor Union, relative to strike conditions in Colorado; to the Committee on Ways and Means.

By Mr. GOEKE: Petition signed by J. F. Howard and 69 other citizens of Darke County, Ohio, favoring a change in the interstate-commerce laws, making it possible to cause concerns selling goods direct to consumers entirely by mail to contribute their portion of funds in the development of the local community, the county, and the State; to the Committee on Ways and Means.

By Mr. GRAHAM of Pennsylvania: Petition of the Woman's Christian Temperance Union of South Montrose, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. GREGG: Petitions of sundry citizens of the seventh Texas congressional district, against national prohibition; to the Committee on Rules.

Also, petitions of various churches and organizations representing 425 citizens of Galveston, 230 citizens of League City, 18 citizens of Dickinson, and 82 citizens of Texas City, all in the State of Texas, favoring national prohibition; to the Committee on Rules.

By Mr. GRIEST: Petitions of the Woman's Christian Temperance Union, the official board of the Bethany United Evangelical Church, and sundry citizens of Lancaster, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. HAMILTON of New York: Petitions of various churches, representing 461 citizens of Friendship, N. Y., and 500

citizens of Belmont, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. HARRISON: Petitions of various business men of Hattiesburg, Lumberton, Laurel, Columbia, Collins, and Ellisville, all in the State of Mississippi, favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

By Mr. HAWLEY: Petitions of sundry citizens of Dallas, Oreg., against national prohibition; to the Committee on Rules.

By Mr. HULINGS: Petitions of 63 citizens of Fredonia, 16 citizens of Fairview Township, 68 citizens of Franklin, 27 citizens of Coolspring, 21 citizens of Cornplanter, 46 citizens of Grove City, 24 citizens of Rouseville, 2 citizens of Garland, and 30 citizens of Warren County, all in the State of Pennsylvania, favoring national prohibition; to the Committee on Rules.

Also, petition of 26 citizens of Gilfogle, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. IGOE: Resolutions adopted at a mass meeting of 200 voters at North St. Louis Turner Hall, St. Louis, Mo., Monday, May 18, protesting against pending prohibition resolutions and all similar measures, submitted through G. H. Oetting, secretary of meeting; to the Committee on Rules.

Also, telegram and letters from the St. Louis Roofing Co., the Hesse Envelope & Lithograph Co., John F. Kother, John Tenne, G. J. Wedenkoff, W. H. Spellman, F. Snellmann, William Deltrich, W. H. Hill, George Griebel, Aug. Borgmeyer, the Wayne Manufacturing Co., W. Deltrich, Hy. W. Pleitner, Oran. Petrig, Michael S. Schrader, Martin Trapp, Louis G. Meyer, Ed. Miller, Ferd. W. Vogler, D. B. Ecius, Frank Albers, Gus. A. Igel, Christ Franzen, Jacob Franier, John Mitchell, Ferd. Giesler, Edw. Zimmermann, Harry Vogel, all of St. Louis, Mo., protesting against pending prohibition resolutions and all similar measures; to the Committee on Rules.

By Mr. KENNEDY of Iowa: Petition of the First Methodist Episcopal Church of Washington, Iowa, favoring national prohibition; to the Committee on Rules.

By Mr. KENNEDY of Rhode Island: Petitions of William H. Lovett, of Providence; the Cigar Makers' Union of Providence; Granville S. Standish, of Providence; Alfred Cloutier, of Woonsocket; John M. McLoughlin, of Woonsocket; the Hanley-Hoye Co., of Providence; Jacob Wirth & Co., of Providence; the Five Sullivan Bros., of Providence; John J. McGuire & Co., of Providence; William H. Grimes Co., of Pawtucket; McKenna Bros., of Providence; Palmer & Madigan, of Providence; T. F. Donahue Co., of Providence; the Eddy & Fisher Co., of Providence; Paul Castiglioni, of Providence; Dodge & Camfield Co., of Providence; the Providence Brewing Co., of Providence, all in the State of Rhode Island; also the Francis Perot's Sons Malting Co., of Philadelphia, Pa.; the Davenport Malt & Grain Co., of Davenport, Iowa; American Association of Foreign Language Newspapers (Inc.), of New York, N. Y.; Rowler Bros., of Worcester, Mass., against passage of Hobson resolution for nation-wide prohibition; to the Committee on Rules.

Also, memorials of the State Conference of Congregational Churches of Rhode Island; Cercle Lacordaire No. 3, of Central Falls; Rev. Albert B. Cristy, of Providence; and the Woman's Christian Temperance Union of Bradford, all in the State of Rhode Island, favoring passage of Hobson resolution for nation-wide prohibition; to the Committee on Rules.

Also, petitions of O. B. Adams, Henry Breault, John Kenney, Albert Adams, D. P. Driscoll, William Gahan, all of Pawtucket; and Michael McNamara and Patrick Lenihan, of Providence, all in the State of Rhode Island, against national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Bradford, R. I., favoring woman-suffrage amendment; to the Committee on the Judiciary.

By Mr. KETTNER: Memorial of the Order of Panama, San Diego, Cal., relative to conditions in Mexico; to the Committee on Foreign Affairs.

By Mr. LANGHAM: Petition of the Woman's Christian Temperance Union and sundry citizens of Leechburg and Dayton, both in the State of Pennsylvania, favoring national prohibition; to the Committee on Rules.

By Mr. LIEB: Petition of United Mine Workers of America, Local Union No. 1452, of Evansville, Ind., signed by A. J. Pogue, James Willis, Clarence Romany, H. W. Hackner, and A. E. Odell, urging congressional interference in the strike of miners in Colorado; to the Committee on Mines and Mining.

By Mr. LINDBERGH: Petition of sundry citizens of Greenwald, Minn., against national prohibition; to the Committee on Rules.

By Mr. LONERGAN: Petitions of Roger Forantieri and other citizens, of Hartford, Conn., protesting against national prohibition; to the Committee on Rules.

By Mr. MAPES: Petition of Local No. 10, Amalgamated Glass Workers International Association, Grand Rapids, Mich., against national prohibition; to the Committee on Rules.

By Mr. O'SHAUNESSY: Petition of 374 citizens of Rhode Island, and Local No. 166, United Brewery Workmen of America, of Providence, R. I., against national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Providence and East Providence, R. I., favoring national prohibition; to the Committee on Rules.

Also, petition of C. G. Abbe, of Providence, R. I., favoring House bill 13305, the Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Mrs. William G. Pierce, of Providence, R. I., favoring additional appropriation for Children's Bureau of the National Child Labor Commission; to the Committee on Appropriations.

Also, petition of Miss Roberta J. Dunbar, of Providence, R. I., favoring House bill 15733, to celebrate half-century anniversary of negro freedom; to the Committee on Industrial Arts and Expositions.

By Mr. PALMER: Petition of sundry citizens of East Stroudsburg, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. PLUMLEY: Petition of sundry citizens of Bellows Falls, Vt., favoring national prohibition; to the Committee on Rules.

By Mr. RAKER: Letter from the California Retail Grocers and Merchants' Association, favoring House bill 13305, the Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

Also, letter from Avis A. King, of Fort Bidwell, Cal., favoring House bill 13305, the Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. J. M. C. SMITH: Petition of A. B. Collins, of Charlotte, Mich., against national prohibition; to the Committee on Rules.

Also, papers to accompany a bill (H. R. 16380) granting a pension to George Zederbaum; to the Committee on Pensions.

By Mr. SMITH of Minnesota: Petition of H. J. Harter and 500 other members of the Federation of Men's Church Clubs of Minneapolis, Minn., favoring national prohibition; to the Committee on Rules.

By Mr. STAFFORD: Petition of the Wisconsin Sunday Rest Day Association, favoring House bill 14895, to create a Federal motion-picture commission; to the Committee on Education.

By Mr. SUTHERLAND: Petition of 75 citizens of Mineral County, W. Va., favoring national prohibition; to the Committee on Rules.

By Mr. TAYLOR of Arkansas (by request): Protest of 13 citizens of McGehee, Desha County, Ark., against national prohibition; to the Committee on Rules.

By Mr. TUTTLE: Petitions of the First Methodist Protestant Church of Elizabeth, N. J., and sundry citizens of Succasunna, N. J., favoring national prohibition; to the Committee on Rules.

SENATE.

FRIDAY, May 22, 1914.

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come to Thee day by day at the beginning of our work in this National Congress in recognition of the unseen empire that lies back of all our organization and our national movements. Back of the surface of things there are forces not less potent because unseen which make for the destiny of mankind and determine finally the issues of government. We pray that our eyes may be opened with visions of the divine order that we may see Thy movement among men and understand Thy way. May we be enabled to apprehend Thy will that we may make it the rule of our own conduct, and through it bring about God's great designs for us as a people. For Christ's sake. Amen.

NAMING A PRESIDING OFFICER.

The Secretary (James M. Baker) read the following communication:

PRESIDENT PRO TEMPORE, UNITED STATES SENATE,
Washington, May 22, 1914.

To the Senate:

Being temporarily absent from the Senate I appoint Hon. GILBERT M. HITCHCOCK, a Senator from the State of Nebraska, to perform the duties of the Chair during my absence.

JAMES P. CLARKE,
President pro tempore.

Mr. HITCHCOCK thereupon took the chair as Presiding Officer for the day.

The Journal of yesterday's proceedings was read and approved.

SENATOR FROM ALABAMA.

Mr. BANKHEAD. Mr. President, I present the credentials of Hon. FRANK S. WHITE, recently elected a Senator from the State of Alabama to fill the unexpired term of the late Joseph F. Johnston. I ask that they be read.

The PRESIDING OFFICER. The credentials will be read.

The Secretary read as follows:

A proclamation by the governor.

Whereas it is provided by law that all returns of elections required by law to be sent to the secretary of state must, within 15 days after an election, be opened and counted in the presence of the governor, secretary of state, and attorney general, or two of them, and of the result of the election as thus ascertained the governor must give notice by proclamation; and

Whereas the governor, secretary of state, and attorney general did meet at the capitol, in the city of Montgomery and in the office of the secretary of state on the 20th day of May, 1914, and open and count all the returns which by law are required to be sent to the secretary of state and declared the result as hereinafter stated: Now, therefore,

I, Emmet O'Neal, governor of the State of Alabama, do hereby give notice by this proclamation that at the special election held in this State on the 11th day of May, 1914, Hon. FRANK S. WHITE was elected a United States Senator for the State of Alabama for the unexpired term of the late United States Senator Joseph F. Johnston, and that Hon. C. C. HARRIS was elected a Representative in the Congress of the United States for the eighth Alabama district for the unexpired term of the late William Richardson.

In testimony whereof I have hereunto set my hand and caused the great seal of the State to be affixed at the capitol, in the city of Montgomery, on this the 20th day of May, 1914.

[SEAL.]

EMMET O'NEAL, Governor.

By the governor:

CYRUS B. BROWN,
Secretary of State.

STATE OF ALABAMA, EXECUTIVE DEPARTMENT, OFFICE OF SECRETARY OF STATE.

Whereas an election was held in the several counties of this State on the 11th day of May, 1914, that being the day set for said election by the Hon. Emmet O'Neal, governor of Alabama, in his proclamation calling said election, for the purpose of electing a United States Senator to succeed the late United States Senator Joseph F. Johnston; and

Whereas section 422 of the Code of Alabama, 1907, provides that the returns of election required by law to be sent to the secretary of state must, within 15 days after the election, be opened and counted in the presence of the governor, secretary of state, and attorney general, or two of them:

Now, therefore, this is to certify that we, the undersigned—governor, secretary of state, and attorney general—did meet in the office of the secretary of state on the 20th day of May, 1914, and then and there open the returns of said election as forwarded by the supervising boards of the several counties in this State, and the vote tabulated on the sheet hereto attached, and as follows: Frank S. White received 84,720 votes; J. Damsky received 1 vote; Ray Rushton received 7 votes; A. P. Longshore received 1 vote; W. E. Quinn received 2 votes; G. Caravella received 1 vote; S. S. Pleasants received 40 votes; J. E. Michael received 2 votes; J. A. Bingham received 2 votes; B. F. Reynolds received 1 vote; P. D. Parker received 1 vote, shows the votes received by each candidate voted for at said election for said office and we hereby certify that the vote as set down and as stated above is true and correct according to the certificates of the said supervising boards, and that the persons voted for at said election received the votes set opposite their names.

In testimony whereof we, Emmet O'Neal, governor, Cyrus B. Brown, secretary of state, and Robert C. Brickell, attorney general, of the State of Alabama, have hereunto set our hands and caused the great seal of the State to be affixed at the capitol, in the city of Montgomery, on this 20th day of May, A. D. 1914.

[SEAL.]

EMMET O'NEAL, Governor.

CYRUS B. BROWN, Secretary of State.

ROBERT C. BRICKELL, Attorney General.

Writ of election.

To the several sheriffs of the State of Alabama, greeting:

Whereas a vacancy now exists in the term of a Senator of the United States from the State of Alabama caused by the death of the late Senator Joseph F. Johnston; and

Whereas the Senate of the United States of America by its action in seating BLAIR LEE as a Senator from the State of Maryland has established a precedent for the guidance of the executive authority of the several States in reference to the filling of vacancies in the Senate of the United States of America: Now, therefore,

I, Emmet O'Neal, governor of the State of Alabama, under and by virtue of the authority and power vested in me by the seventeenth amendment to the Constitution of the United States of America, and by the constitution and laws of the State of Alabama, do hereby issue, publish, and declare this, my writ of election, for a special election to be held throughout the State of Alabama on Monday, 11th day of May, 1914, and I do hereby direct that a special election shall be held on that day in order that there may be chosen at said election a Senator of the United States of America from the State of Alabama to fill said vacancy, and to represent the State of Alabama in the Senate of the United States of America until the end of the term for which said former Senator Joseph Forney Johnston, now deceased, was originally elected; and

I do further, order, declare, and direct that the election hereby ordered by this writ of election shall be conducted in all respects as provided by the laws of the State of Alabama regulating general elections; and

The several sheriffs of the State of Alabama are hereby ordered and directed to give notice of the special election hereby ordered in accordance with the provisions of section 443 of the Code of Alabama.